S. Doc. 100-24

Nomination and Election of the President and Vice President of the United States, 1988

Including the Manner of Selecting Delegates to National Party Conventions

By Thomas M. Durbin, Legislative Attorney,
Congressional Research Service, Library of Congress,
for the Committee on Rules and Administration,
United States Senate

January 1988

U.S. Government Printing Office, Washington: 1988

S920-1

100th Congress
2d Session

Nomination and Election of the President and Vice President of the United States, 1988

Including the Manner of Selecting Delegates to National Party Conventions

---

By Thomas M. Durbin, Legislative Attorney,
Congressional Research Service, Library of Congress,
for the Committee on Rules and Administration,
United States Senate

January 1988

U.S. Government Printing Office, Washington: 1988

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, DC 20402

COMMITTEE ON RULES AND ADMINISTRATION

WENDELL H. FORD, Kentucky, *Chairman*

CLAIBORNE PELL, Rhode Island
ROBERT C. BYRD, West Virginia
DANIEL K. INOUYE, Hawaii
DENNIS DeCONCINI, Arizona
ALBERT GORE, Jr., Tennessee
DANIEL PATRICK MOYNIHAN, New York
CHRISTOPHER J. DODD, Connecticut
BROCK ADAMS, Washington

TED STEVENS, Alaska
MARK O. HATFIELD, Oregon
JAMES A. McCLURE, Idaho
JESSE HELMS, North Carolina
JOHN W. WARNER, Virginia
ROBERT DOLE, Kansas
E.J. (JAKE) GARN, Utah

James O. King, *Staff Director*
William McWhorter Cochrane, *Senior Adviser*
Gail S. Martin, *Chief Clerk*
Wayne A. Schley, *Republican Staff Director*
Lana R. Slack, *Professional Staff Member*
John L. Sousa, *Counsel—Elections*
William B. Canfield III, *Minority Chief Counsel*
Connie Friedman, *Staff Assistant*

FOREWORD

This document is a compilation of the constitutional provisions, federal and state laws, and rules of the two major political parties governing the nomination and election of the President and Vice President of the United States. It lists the states holding presidential preference primaries and the dates of such primaries; it also describes the manner of selecting delegates to the national conventions, the dates such selections are to be made, and the number of delegates to be selected. Two surveys of the rules of the major political parties and of the election laws of the fifty states and the District of Columbia are included relating to the selection of delegates to the national nominating conventions and to the nomination and election of electors of the President and Vice President. Abstracts of the laws relating to minor and new parties and independent candidates are also included in the surveys.

The information contained herein is based on the federal and state laws in effect as of October 1, 1987. There have been many changes in the election laws of the states since the 1984 election. Various state laws referred to in this document may have been amended subsequent to publication; similarly, political party constitutions, rules and delegate selection plans may also have been amended. Every effort has been made to provide the latest statutes, party rules and delegate selection plans.

The analysis of election laws and party rules was prepared by Thomas M. Durbin, legislative attorney of the American Law Division, Congressional Research Service, Library of Congress for the Senate Committee on Rules and Administration, under the supervision of Kent M. Ronhovde, assistant chief, and Richard C. Ehkle, chief, of the American Law Division.

An acknowledgment is made to John L. Sousa, counsel on elections, and Lana R. Slack, professional staff member, of the Senate Committee on Rules and Administration, for their assistance in the research, preparation and production of this publication.

CONTENTS

Foreword, iii

Table of Contents, v

Important Dates, vii

Part I. Federal Constitutional Provisions and Laws Governing the Election of the President and Vice President of the United States, 1

A. United States Constitution, 1
B. Election of the President (Title 3, United States Code), 5
C. Voting Rights Act Amendments of 1970—Residence Requirements (Title 42, United States Code), 13
D. Campaign Financing Reporting and Disclosure (Title 2, United States Code), 16
E. Financial Disclosure Requirements of Executive Personnel, Including Candidates for Nomination or Election to the Office of President or Vice President (Title 5, United States Code Appendix), 61
F. Political Activities: Federal Employees (Title 5, United States Code, 79
G. Political Activities: State and Local Employees (Title 5, United States Code), 82
H. Criminal Code Provisions (Title 18, United States Code), 87
I. Internal Revenue Code, Political Campaign Debts and Contributions (Title 26, United States Code), 96
J. Public Financing of Presidential Elections (Title 26, United States Code), 103
K. Communications Media (Title 47, United States Code), 129

Part II. Nomination of the President and Vice President, 131

A. Background, 131
B. Significant Court Decisions Affecting Delegate Selection Procedures and the Convention System, 136
C. FEC Regulations on Delegates and Delegate Committees, 143
D. Rules of the Democratic Party Relating to the Selection of Delegates to the 1988 National Nominating Convention, 161
E. Rules of the Republican Party Relating to the Selection of Delegates to the 1988 National Nominating Convention, 192

Part III. Survey of State Laws and of Party Rules Regulating the Selection of Delegates to the National Nominating Conventions, 200
A. Delegate Selection for the States, 200
B. Delegate Selection for Citizens Abroad and the Territories, 301

Part IV. State Laws Relating to the Nomination and Election of Presidential Electors, 304
A. Background, 304
B. Summary of State Laws Relating to Presidential Electors, 306

Part V. Tables Relating to Various Aspects of the Nomination and Election of the President and Vice President, 391
1. Presidents and Vice Presidents of the United States and the Congresses Coincident with Their Terms, 392
2. Electoral Vote for President and Vice President, by Major Political Parties—States: 1940 to 1984, 394
3. Vote for President—Popular Vote Cast for President, by Political Parties—Regional and States: 1972 to 1984, 395
4. Popular Vote Cast for President, by Major Party: 1956 to 1984, 396

IMPORTANT DATES

July 18-21, 1988—Democratic National Convention in Atlanta, Georgia.
August 15-18, 1988—Republican National Convention in New Orleans, Louisiana.
November 8, 1988—General Election in all States.
December 17, 1988—Date of meeting of electors (Electoral College)
January 6, 1989—Counting of electoral votes by joint session of Congress.

Presidential Preference Primary Dates

Date	Jurisdiction
February 16	New Hampshire
February 23	South Dakota
March 1	Vermont
March 5	South Carolina (Republican Party only)
March 8	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, and Virginia
March 15	Illinois
March 20	Puerto Rico
March 22	Democrats abroad
March 29	Connecticut
April 5	Wisconsin
April 19	New York
April 26	Pennsylvania
May 3	District of Columbia, Indiana, Ohio
May 10	Nebraska, West Virginia
May 17	Oregon
May 24	Idaho
June 7	California, Montana, New Jersey, New Mexico
June 14	North Dakota

PART I. FEDERAL CONSTITUTIONAL PROVISIONS AND LAWS GOVERNING THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

A. United States Constitution

ARTICLE II—THE PRESIDENT

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:
Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.
No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

AMENDMENT XII—PRESIDENTIAL ELECTORS

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority; then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

AMENDMENT XX—COMMENCEMENT OF THE TERMS OF THE PRESIDENT, VICE PRESIDENT, AND MEMBERS OF CONGRESS

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, and unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXII—LIMITATION ON PRESIDENTIAL TERMS

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

AMENDMENT XXIII—PRESIDENTIAL ELECTORS FOR DISTRICT OF COLUMBIA

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XXIV—BAN ON POLL TAX

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV—SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY: INABILITY OF PRESIDENT

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may be law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI—RIGHT TO VOTE—CITIZENS EIGHTEEN YEARS OF AGE OR OLDER

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

B. Election of the President (Title 3, United States Code)

3 U.S.C. § 1. Time of Appointing Electors.

The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (June 25, 1948, ch. 644, 62 Stat. 672.)

3. U.S.C. § 2. Failure to Make Choice on Prescribed Day.

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (June 25, 1948, ch. 644, 62 Stat. 672.)

3 U.S.C. § 3. Number of Electors.

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives had been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (June 25, 1948, ch. 644, 62 Stat. 672.)

3 U.S.C. § 4. Vacancies in Electoral College.

Each State may, by law, provide for the filing of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 5. Determination of Controversy as to Appointment of Electors.

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determinations made have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, as far as the ascertainment of the electors appointed by such State is concerned. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 6. Credentials of Electors, Transmission to Administrator of General Services and to Congress; Public Inspection.

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State of the Administrator of General Services a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each state to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Administrator of General Services a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Administrator of General Services shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Administrator of General Services at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the General Services Administration. (June 25, 1948, ch. 644, 62 Stat. 673; Oct. 31, 1951, ch. 655, § 6, 65 Stat. 711.)

3 U.S.C. § 7. Meeting and Vote of Electors.

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 8. Manner of Voting.

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 9. Certificates of Votes for President and Vice President.

The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 10. Sealing and Endorsing Certificates.
The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given Vice President, are contained therein. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 11. Disposition of Certificates.
The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Administrator of General Services at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Administrator of General Services for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled. (June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655 § 7, 65 Stat. 712.)

3 U.S.C. § 12. Failure of Certificates of Electors to Reach President of Senate or Administrator of General Services; Demand on State for Certificate.
When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Administrator of General Services by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Administrator of General Services shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government. (June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 8, 65 Stat. 712.)

3 U.S.C. § 13. Same; Demand on District Judge for Certificate.
When no certificate of votes from any State shall have been received at the seat of government on the fourth Wednesday

in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Administrator of General Services shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (June 25, 1948, ch. 644, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 9, 65 Stat. 712.)

3 U.S.C. § 14. Forfeiture for Messenger's Neglect of Duty. Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of $1,000. (June 25, 1948, ch. 644, 62 Stat. 675.)

3 U.S.C. § 15. Counting Electoral Votes in Congress. Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules of this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors, whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (June 25, 1948, ch. 644, 62 Stat. 675.)

3. U.S.C. § 16. Same; Seats for Officers and Members of Two Houses in Joint Meeting.

At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted at the hour of 10'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (June 25, 1948, ch. 644, 62 Stat. 676.)

3 U.S.C. § 17. Same; Limit of Debate in Each House.

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (June 25, 1948, ch. 644, 62 Stat. 676.)

3 U.S.C. § 18. Same; Parliamentary Procedure at Joint Meeting.

While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (June 25, 1948, ch. 644, 62 Stat. 676; Sept. 3, 1954, ch. 1263, § 368, Stat. 1227.)

3 U.S.C § 19. Vacancy in Offices of Both President and Vice President; Officers Eligible to Act.

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the Office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education.

(2) An individual acting as President under this subsection shall continue to do so until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President. (June 25, 1948, ch. 644, 62 Stat. 677; as amended Sept. 9, 1965, Pub. L. 89–174, § 6(a), 79 Stat. 669; Oct. 15, 1966, Pub. L. 89–670, § 10(a), 80 Stat. 948; Aug. 12, 1970, Pub. L. 91–375, § 6(b), 84 Stat. 775; Oct. 17, 1979, Pub. L. 96–88, title V, § 508(a), 93 Stat. 692.)

3 U.S.C. § 20. Resignation or Refusal of Office.

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (June 25, 1948, ch. 644, 62 Stat. 678.)

3 U.S.C. § 21. Definitions.

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.

(Added Pub. L. 87–389, § 2(a), Oct. 4, 1961, 75 Stat. 820.)

C. Voting Rights Act Amendments of 1970—Residence Requirements (Title 42, United States Code)

CHAPTER 20.—ELECTIVE FRANCHISE

In 1970 Congress enacted the Voting Rights Act Amendments of 1970 (P.L. 91-285, 84 Stat. 314), which provided in title II, section 202 for the abolition of durational residency requirements for voting in presidential elections and required the States to provide for absentee registration and voting in presidential elections:

42 U.S.C § 1973aa-1. Residence Requirements for Voting.

(a) *Congressional findings.*

The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the law that are guaranteed to them under the fourteenth amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) *Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment.*

Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) *Prohibition of denial of rights to vote because of durational residency requirement or absentee balloting.*

No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and

Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) *Registration: time for application; absentee balloting; time of application and return of ballots.*
For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) *Change of residence; voting in person or by absentee ballot in State of prior residence.*
If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) *Absentee registration requirement.*
No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be

denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) *State or local adoption of less restrictive voting practices.*
Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) *Definition of "State".*
The term "State" as used in this section includes each of the several States and the District of Columbia.

(i) *False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting.*
The provisions of section 1973i(c) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.
(Pub. L. 89-110, title II, § 202, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 316.)

D. Campaign Financing, Reporting and Disclosure (Title 2, United States Code)

2 U.S.C. § 431. Definitions.

When used in this Act:

(1) The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441b(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (8) and (9) of this section aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term "principal campaign committee" means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term "authorized committee" means the principal campaign committee or any other political authorized by a candidate under section 432(e)(1) of this title. To receive contributions or make expenditures on behalf of such candidate.

(7) The term "connected organization" means any organization which is to a political committee but which directly or

indirectly establishes, administers, or financially supports a political committee.

(8)(A) The term "contribution" includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term "contribution" does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use or by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exeed $2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting station, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;

(ix) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer or the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26.

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(x) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(xi) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided,* That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xii) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided,* That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xiii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access; and

(xiv) any honorarium (within the meaning of section 441i of this title).

(9)(A) The term "expenditure" includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term "expenditure" does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designated to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441a(b) but all such costs shall be reported in accordance with section 434(b);

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26, but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such part: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term "Commission" means the Federal Election Commission.

(11) The term "person" includes an individual partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term "identification" means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the elec-

tion ballot as the candidate of such association, committee, or organization.

(17) The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identify of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.

(Pub. L. 92-225, title III, § 301, Feb. 7, 1972, 86 Stat. 11, as amended by Pub. L. 93-443, title II, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272-75, 1286; Pub. L. 94-283, title I, §§ 102, 115(d), 115(h), May 11, 1976, 90 Stat. 478, 495, 496, and amended by Pub. L. 96-187, title I, § 101, Jan. 8, 1980, 93 Stat. 1339-45.)

2 U.S.C. § 432. Organization of Political Committees.

(a) *Treasurer; vacancy; official authorizations.*

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) *Account of contributions; segregated funds.*

(1) Every person who receives a contribution for an authorized political committee shall, not later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) *Recordkeeping.*

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who make a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) *Preservation of records and copies of reports.*

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

(e) *Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.*

(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term "support" does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 441b(b) shall include the name of its connected organization.

(f) *Filing with and receipt of designations, statements, and reports by principal campaign committees.*

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts of disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) *Filing with and receipt of designations, statements, and reports by Clerk of House of Representatives or Secretary of Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.*

(1) Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive designations, statements, and reports as custodian for the Commission.

(2) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, and by the principal campaign committee of such candidate, shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports as custodian for the Commission.

(3) The Clerk of the House of Representatives and the Secretary of the Senate shall forward a copy of any designation, statement, or report filed with them under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(4) All designations, statements, and reports required to be filed under this Act, except designations, statements, and re-

ports filed in accordance with paragraphs (1) and (2), shall be filed with the Commission.

(5) The Clerk of the House of Representatives and the Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 438(a)(4), and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5).

(h) *Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements.*

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursement under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5) of this section.

(i) *Reports and records, compliance with requirements based on best efforts.*

When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of title 26.

(Pub. L. 92-225, title III, § 302, Feb. 7, 1972, 86 Stat. 12, as amended by Pub. L. 93-443, title II, §§ 202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275-76, 1286, and amended by Pub. L. 94-283, title I, § 103, May 11, 1976, 90 Stat. 480, and amended by Pub. L. 96-187, title I, § 102, Jan. 8, 1980, 93 Stat. 1345-47.)

2 U.S.C. § 433. Registration of Political Committees.

(a) *Statements of organizations.*

Each authorized campaign committee shall file a statement of organization not later than 10 days after designation pursuant to section 432(e)(1). Each separate segregated fund established under the provisions of section 441b(b) shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4).

(b) *Contents of statements.*

The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization or affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) *Change of information in statements.*

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) no later than 10 days after the date of the change.

(d) *Termination, etc., requirements of authorities.*

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g), that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(Pub. L. 92-225, title III, § 303, Feb. 7, 1972, 86 Stat. 14, as amended by Pub. L. 93-443, title II, §§ 203, 208(c)(3), Oct. 15, 1974, 88 Stat. 1276, 1286, and amended by Pub. L. 96-187, title I, § 103, Jan. 8, 1980, 93 Stat. 1347-48.)

2. U.S.C. § 434. Reporting Requirements.

(a) *Receipts and disbursements by treasurers of political committees; filing requirements.*

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later then January 31 of the following calendar year; and

(B) in any other calendar year the following reports shall be filed:

(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(b) *Contents of reports.*

Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of each receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year, the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees; transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee; repayment of loans made by or guaranteed by the candidate;
(E) repayment of all other loans;
(F) contribution refunds and other offsets to contributions;
(G) for an authorized committee, any other disbursements;
(H) for any political committee other than an authorized committee—
(i) contributions made to other political committees;
(ii) loans made by the reporting committees;
(iii) independent expenditures;
(iv) expenditures made under section 441a(d) of this title; and
(v) any other disbursement; and
(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a(b);
(5) the name and address of each—
(A) person to whom an expenditure is an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
(B) authorized committee to which a transfer is made by the reporting committee;
(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;
(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and
(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;
(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such disbursement;
(B) for any other political committee, the name and address of each—
(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;
(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;
(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expendi-

ture is in support of, or in opposition to, a candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year; and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) *Statements by other than political committees; filing, contents; indices of expenditures.*

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

(A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Any independent expenditure (including those described in subsection (b)(6)(B)(iii)) of this section, aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk, the Secretary, or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(Pub. L. 92-225, title III, § 304, Feb. 7, 1972, 86 Stat. 14, as amended by Pub. L. 93-443, title II, §§ 204(a)-(c), 208(c)(4), Oct. 15, 1974, 88 Stat. 1276, 1277, 1278, 1286; Pub. L. 94-283, title I, § 104, May 11, 1976, 90 Stat. 480, and amended by Pub. L. 96-187, title I, § 104, Jan. 8, 1980, 93 Stat. 1348.54.)

2 U.S.C. § 435. *Requirements Relating To Campaign Advertising* was repealed by Pub. L. 96-187, title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

2 U.S.C. § 436. *Formal Requirements Respecting Reports and Statements.* This provision was repealed by Pub. L. 96-187, title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

5.2 U.S.C. § 437. Reports on Convention Financing.

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

(Pub. L. 92-225, title III, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16, as amended by Pub. L. 93-443, title II, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286, and renumbered and amended by Pub. L. 96-187, title I, §§ 105(a)(2), 112(a), Jan. 8, 1980, 93 Stat. 1354, 1366.)

U.S.C. § 437a. *Reports By Certain Persons,* was repealed by Pub. L. 94-283, title I, § 105, May 11, 1976, 90 Stat. 481.

2 U.S.C. § 437b. *Campaign Depositories,* was repealed by Pub. L. 96-187, title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

U.S.C. § 437c. Federal Election Commission.

(a) *Establishment; membership; term of office; vacancies' qualifications; compensation; chairman and vice chairman.*

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for terms of 6 years, except that the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compenstation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is

appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) *Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office.*

(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(c) *Voting requirements; delegation of authorities.*

All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.

(d) *Meetings.*

The Commission shall meet at least once each month and also, at the call of any members.

(e) *Rules for conduct of activities; judicial notice of seal; principal office.*

The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) *Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services by staff director; use of assistance personnel, and facilities of Federal agencies and departments; counsel for defense of actions.*

(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

(Pub. L. 92-225, title III, § 306, formerly § 310, as added by Pub. L. 93-443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; as amended and renumbered by Pub. L. 94-283, title I, §§ 101(a)-(d), 105, May 11, 1976, 90 Stat. 475, 481; and as amended and renumbered by Pub. L. 96-187, title I, §§ 105(a)(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354-56, 1366.)

2 U.S.C. § 437d. Powers of Commission.

(a) *Specific authorities.*

The Commission has the power—

(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

(2) to administer oaths or affirmations;

(3) to require by subpoena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g(a)(8) of this title) or

appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of title 26, through its general counsel;
(7) to render advisory opinions under section 437f of this title;
(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95, and chapter 96 of title 26; and
(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) *Judicial orders for compliance with subpenas and orders of Commission; contempt of court.*
Upon petition by the Commission, any United States district court within the juridiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) *Civil liability for disclosure of information.*
No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) *Concurrent transmissions to Congress or member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation.*
(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Managment and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.
(2) Whenever the Commission submits any legislation recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) *Exclusive civil remedy for enforcement.*
Except as provided in section 437g(a)(8) of this title the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.
(Pub. L. 92-225, title III, § 307, formerly § 311, as added by Pub. L. 93-443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282;

as amended and renumbered by Pub. L. 94-283, title I, §§ 105, 107, 115(a) (2), May 11, 1976, 90 Stat. 481, 495; and as amended and renumbered by Pub. L. 96-187, title I, §§ 105(a) (3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356-57.)

32 U.S.C. § 437e. *Report,* was repealed by Pub. L. 96-187, title I, § 105(a) (1), Jan. 8, 1980, 93 Stat. 1354.

22 U.S.C. § 437f. Advisory Opinion.

(a) *Requests by persons, candidates, or authorized committees; subject matter; time for response.*

(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) *Procedures applicable to initial proposal of rules or regulations, and advisory opinions.*

Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) *Persons entitled to rely upon opinions; scope of protection for good faith reliance.*

(1) Any advisory opinion rendered by the Commission under subsection (a) of this section may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(d) *Requests made public; submission of written comments by interested public.*

The Commission shall make public any request made under subsection (a) of this section for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

(Pub. L. 92–225, title III, § 308, formerly § 313, as added by Pub. L. 93-443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283; amended and renumbered by Pub. L. 94–283, title I, §§ 105, 108, May 11, 1976, 90 Stat. 481, 482; and amended and renumbered by Pub. L. 96–187, title I, §§ 105(a)(4), 107, Jan. 8, 1980, 93 Stat. 1354, 1357–58.)

2 U.S.C. § 437g. Enforcement.

(a) *Administrative and judicial practice and procedure.*

(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of title 26, has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate in writing to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act of chapter 95 or chapter 96 of title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the

legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of title 26 the Commission shall make public such determination.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d) of this section, or a knowing and willful violation of chapter 95 or chapter 96, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of title 26, by the methods specified in paragraph (4)(A), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of title 26.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commissioin to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(10) [Repealed]

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) *Notice to persons not filing reports prior to institution of enforcement action; publication of identity of persons and unfiled reports.*

Before taking any action under subsection (a) of this section against any person who has failed to file a report required under section 434(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 434(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 438(a)(7) of this title, publish before the election the name of the person and the report or reports such person has failed to file.

(c) *Reports by Attorney General of apparent violation.*

Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d) *Penalties; defenses; mitigation of offenses.*

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.

(B) In the case of a knowing and willful violation of section 441b(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 441b(b)(3) may incorporate a violation of section 441c(b), 441f or 441g of this title.

(C) In the case of a knowing and willful violation of section 441h of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or chapter 95 or chapter 96 of title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(Pub. L. 92-225, title III, § 309, formerly § 314, as added by Pub. L. 93-443, title II, § 208(a) Oct. 15, 1974, 88 Stat. 1284; amended and renumbered by Pub. L. 94-283, title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483; and amended and renumbered by Pub. L. 96-187, title I, §§ 105(a)(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358-62.)

U.S.C. § 437h. Judicial Review.

(a) *Actions, including declaratory judgments, for construction of constitutional questions; eligible plaintiffs; certification of such questions to courts of appeal sitting en banc.*

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(b) *Appeal to Supreme Court; time for appeal.*
Notwithstanding any other provision of law, any decision on matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.

(c) *Advancement on appellate docket and expedited disposition of certified questions.* [Repealed]
(Pub. L. 92-225, title III, § 310, formerly § 315, as added by Pub. L. 93-443, title II, § 208, Oct. 15, 1974, 88 Stat. 1285; amended and renumbered by Pub. L. 94-283, title I, §§ 105, 115(e), May 11, 1976, 90 Stat. 481, 496; and amended and renumbered by Pub. L. 96-187, §§ 105(a)(4), 112(c), Jan. 8, 1980, 93 Stat. 1354, 1366; Nov. 8, 1984, Pub. L. 98-620, title IV, Subtitle A, § 402(1)(B), 98 Stat. 3357.)

2 U.S.C. § 438. Administrative Provisions.
(a) *Duties of Commission.*
The Commission shall—
(1) prescribe forms necessary to implement this Act;
(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;
(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;
(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record;
(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;
(6) (A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which

index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d) of this section;

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate; and

(10) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.

(b) *Audits and field investigations.*

The Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of title 26 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commision. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) *Statutory provisions applicable to forms and information-gathering activities.*

Any forms prescribed by the Commission under subsection (a)(1) of this section, and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

(d) *Rules, regulations, or forms; issuance, procedures applicable, etc.*

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) *Scope of protection for good faith reliance upon rules or regulations.*

Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(f) *Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts.*

In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.

(Pub. L. 92-225, title III, § 311, formerly § 308, Feb. 7, 1972, 86 Stat. 16; as renumbered and amended by Pub. L. 93-443, title II, §§ 208 (a), (c)(8)-(10), 209 (a)(1), (b), Oct. 15, 1974, 88 Stat. 1279, 1286, 1287; and renumbered and amended by Pub. L. 94-283, title I, §§ 105, 110, May 11, 1976, 90 Stat. 481, 486; and as renumbered and amended by Pub. L. 96-187, title I, §§ 105(a)(4), 109, Jan. 8, 1980, 93 Stat. 1354, 1362-64.)

2 U.S.C. § 439. Statements Filed With State Officers.

(a) *Appropriate State; defined.*

(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term "appropriate State" means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) *Duties of State officers.*

The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(Pub. L. 92-225, title III, § 312, formerly § 309, Feb. 7, 1972, 86 Stat. 18; as renumbered and amended by Pub. L. 94-443, title II, § 208(a), (c)(11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered by Pub. L. 94-283, title I, § 105, May 11, 1976, 90 Stat. 481; and as renumbered and amended by Pub. L. 96-187, title I, §§ 105(a)(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1364-65.)

2 U.S.C. § 439a. Use of Contributed Amounts for Certain Purposes.

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of title 26, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on January 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.

(Pub. L. 92-225, title III, § 313, formerly § 318, as added by Pub. L. 93-443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered by Pub. L. 94-283, title I, § 105, May 11, 1976, 90 Stat. 481; and renumbered and amended by Pub. L. 96-187 title I, §§ 105(a)(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366-67.)

2 U.S.C. § 439b. *Prohibition of Franked Solicitations.* This provision was repealed by Pub. L. 96-187, title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

2 U.S.C. § 439c. Authorization of Appropriations.

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of Title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $6,000,000 for the fiscal year ending September 30, 1977, and $7,811,500 for the fiscal year ending September 30, 1978.

(Pub. L. 92-225, title III, § 314, formerly § 320, as added by Pub. L. 93-443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered and amended by Pub. L. 94-283, title I, §§ 105, 113, May 11, 1976, 90 Stat. 481, 495; and renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 440. *Prohibition of Contributions in Name of Another.* This provision was repealed by Pub. L. 94–283, § 201(a), May 11, 1976, 90 Stat. 496, and replaced by section 441f of Title 2, U.S.C.

2 U.S.C. § 441. *Penalties for Violations.* This provision was repealed by Pub. L. 94–283, title I, § 112(1), May 11, 1976, 90 Stat. 486.

2 U.S.C. § 441a. Limitations on Contributions and Expenditures.

(a) *Dollar limits on contributions.*

(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $20,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, direct, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term "multicandidate political committee" means a political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any patent, subsidiary, branch, division, depart-

ment, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of title 26. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For the purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(b) *Dollar limits on expenditures by candidates for office of President of the United States.*

(1) No candidate for the office of President of the United States who is eligible under section 9003 of title 26 (relating to condition for eligibility for payments) or under section 9033 of title 26 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office, except that the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(c) *Increases on limits based on increases in price index.*

(1) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (b) of this section and subsection (d) of this section shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

(2) For purposes of paragraph (1)—

(A) the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term "base period" means the calendar year 1974.

(d) *Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office.*

(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—

(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section); or

(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(e) *Certification and publication of estimated voting age population.*

During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The "voting age population" means resident population, 18 years of age or older.

(f) *Prohibited contributions and expenditures.*

No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) *Attribution of multi-state expenditures to candidate's expenditures limitation in each State.*
The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) *Senatorial candidates.*
Notwithstanding any other provision of this Act, amounts totaling not more than $17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.
(Pub. L. 92-225, title III, § 315, formerly § 320, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 486, renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441b. Contributions or Expenditures by National Banks, Corporations, or Labor Organizations.

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, of for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which Presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.
(b)(1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in

whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 79*l*(h) of title 15, the term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) For any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policy-making managerial, professional, or supervisory responsibilities.

(Pub. L. 92-225, title III, § 316, formerly § 321, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 490, renumbered and amended by Pub. L. 96-187, title I, §§ 105(a)(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366.)

2 U.S.C. § 441c. Contributions by Government Contractors.

(a) *Prohibition.*

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) *Separate segregated funds.*

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) *"Labor organization" defined.*

For purposes of this section, the term "labor organization" has the meaning given it by section 441b(b)(1) of this title.

(Pub. L. 92-225, title III, § 317, formerly § 322, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 492, renumbered by Pub. L. 96-187, tit[illegible], § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441d. Publication or Distribution of Political Statements and Solicitations.

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly

state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(Pub. L. 92-225, title III, § 318, formerly § 323, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 493, renumbered and amended by Pub. L. 96-187, title I, §§ 105(a)(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365-66.)

2 U.S.C. § 441e. Contributions by Foreign Nationals.

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

(b) As used in this section, the term "foreign national" means—

(1) a foreign principal, as such term is defined by section 611(b) of title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

(Pub. L. 94-225, title III, § 319, formerly § 324, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 493, renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441f. Contributions in Name of Another Prohibited.

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

(Pub. L. 92-225, title III, § 320, formerly § 325, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494, renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441g. Limitation on Contribution of Currency.

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

(Pub. L. 92-225, title III, § 321, formerly § 326, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494, renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441h. Fraudulent Misrepresentation of Campaign Authority.

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(Pub. L. 92-225, title III, § 322, formerly § 327, as added by Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494, renumbered by Pub. L. 96-187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441i. Acceptance of Excessive Honorariums.

(a) *Prohibited practices.*

No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article.

(b) *Payment of honorarium to charitable organization; definition.*

Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

(c) *Aggregate amount received during any calendar year.*

For purposes of determining the aggregate amount of honorariums received by a person during any calendar year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

(d) *Time of acceptance of honorarium.*
For purposes of paragraph (2) of subsection (a) of this section, an honorarium shall be treated as accepted only in the year in which that honorarium is received.
(Pub. L. 92-225, title III, § 323, formerly § 328 as added Pub. L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494; amended Pub. L. 95-216, title V, § 502(a), Dec. 20, 1977, 91 Stat. 1565; renumbered Pub. L. 96-187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 97-51, § 130(a), Oct. 1, 1981, 95 Stat. 966; amended Pub. L. 98-63, title I, 908(g), July 30, 1983, 97 Stat. 338.)

2 U.S.C. § 441j. *Penalty for Violations.* This provision was repealed by Pub. L. 96-187, title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

2 U.S.C. § 442. Authority To Procure Technical Support and Other Services and Incur Travel Expenses; Payment of Such Expenses.

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(i) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.
(Pub. L. 92-342, § 101, July 10, 1972, 86 Stat. 435.)

2 U.S.C. § 451. Extension of Credit by Regulated Industries.

The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.
(Pub. L. 92-225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19, as amended by Pub. L. 93-443, title II, § 201(b)(1), Oct. 15, 1974, 88 Stat. 1275.)

2 U.S.C. § 452. Prohibition Against Use of Certain Federal Funds for Election Activities.

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] shall be used to finance directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Community Services Administration who, in his official capacity as such an officer or employee, engages in any such activity.

(Pub. L. 92-225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19, as amended by Pub. L. 93-443, title II, § 201(b)(2), Oct. 15, 1974, 88 Stat. 1275.)

2 U.S.C. § 453. State Laws Affected.

The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

(Pub. L. 92-225, title IV, § 403, Feb. 7, 1972, 86 Stat. 20, as amended by Pub. L. 93-443, title III, § 301, Oct. 15, 1974, 88 Stat. 1289.)

2 U.S.C. § 454. Partial Invalidity.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 92-225, title IV, § 404, Feb. 7, 1972, 86 Stat. 20.)

2 U.S.C. § 455. Period of Limitations.

(a) No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter unless the indictment is found or the information is instituted within 3 years after the date of the violation.

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on January 1, 1975.

(Pub. L. 92-225, title IV, § 406, as added by Pub. L. 93-443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289-90, as amended by Pub. L. 94-283, title I, § 115(f), May 11, 1976, 99 Stat. 496.)

2 U.S.C. § 456. *Additional Enforcement Authority.* This provision was repealed by Pub. L. 94-283, title I, § 111, May 11, 1976, 90 Stat. 486.

E. Financial Disclosure Requirements of Executive Personnel, Including Candidates for Nomination or Election to the Office of President or Vice President (Title 5, United States Code Appendix)

5 U.S.C. App. § 201. Persons Required To File.

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 202(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title [sections 201 to 211 of this Act] with respect to nomination for the new position or as a candidate for the position.

(b) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual covered by section 301(b) or an individual nominated for appointment to a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 202(b). Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(c) Within thirty days of becoming a candidate in a calendar year for nomination or election to the office of President or Vice President, as determined by the Federal Election Commission, or on or before May 15 of that calendar year, whichever is later, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President or Vice President shall file a report containing the information described in section 202(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 202(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 202(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) the officers and employees referred to in subsections (a), (d), and (e) are—

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16; and

(7) the Director of the Office of Government Ethics and each designated agency official.

(g) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the Director of the Office of Government Ethics, but the total of such extensions shall not exceed ninety days.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the Director determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

(As amended Pub. L. 96–19, §§ 2 (a)(2), (c)(2), 4 (d), (g), 5, 9 (h), (i), June 13, 1979, 93 Stat. 37, 38, 40, 43.)

5 U.S.C. App. § 202. Contents of Reports.

(a) Each report filed pursuant to section 210(d) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $100 or more in value.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $100 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,
(ii) greater than $1,000 but not more than $2,500,
(iii) greater than $2,500 but not more than $5,000,
(iv) greater than $5,000 but not more than $15,000,
(v) greater than $15,000 but not more than $50,000,
(vi) greater than $50,000 but not more than $100,000, or
(vii) greater than $100,000.

(2)(A) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(C) The identity of the source and a brief description of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title [sections 201 to 211 of this Act], the individual shall include in the report—

(i) the identity of each source of such compensation; and

(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(b) Each report filed pursuant to subsections (a), (b), and (c) of section 201 shall include a full and complete statement with respect to the information required by—

(1) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(2) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(3) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(c) In the case of any individual described in section 201(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

(A) not more than $5,000;

(B) greater than $5,000 but not more than $15,000;

(C) greater than $15,000 but not more than $50,000;

(D) greater than $50,000 but not more than $100,000;

(E) greater than $100,000 but not more than $250,000; and

(F) greater than $250,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an invididual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at

less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a cagegory of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such as assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by subsection (a), (b), or (c) shall also contain information listed in paragraphs (1) through (5) of subsection (a) respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1)(B) with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (3). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) In the case of any gifts received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(C) In the case of any reimbursements received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(D) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouses or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Each report referred to in subsection (b) of this section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3)); or

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of,

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust under subsection (a)(1)(B) of this subsection.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a report individual, his spouse, or any dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser, who (in the case of a financial institution of investment company, any officer or employee involved in the management or control of the trust who)—

(i) is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party.

(ii) is not or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and

(iii) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1)(B) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any dependent child if the reporting individual, his spouse, or dependent child has a beneficial interest in the principal or income of a qualified blind trust; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts; and "supervising ethics office" means the Office of Government Ethics.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of section 208 of title 18, United States Code, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(B) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual appointed to office by the President, by and with the consent of the Senate, or the spouse, dependent child, or minor child of such a person, if—

(i) the Director of the Office of Government Ethics, in concurrence with the Attorney General, finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C) (iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); and

(ii) the reporting individual (other than an individual who is in such an office at the time of enactment of this Act [Oct. 26, 1978] and has an existing trust which is a good faith attempt to create a blind trust) has informed the Congressional committee considering his nomination at the time his financial disclosure statement is filed with the Committee of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 205 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(ii) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $1,000.

(7) Any trust which is in existence prior to the date of the enactment of this Act [Oct. 26, 1978] shall be considered a qualified blind trust if—

(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold is filed and made available to the public as provided under paragraph (5) of this subsection.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (d) or (e) of section 201 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(As amended Pub. L. 96-19, §§ 3 (a)(2), (b), 6, 7(a)-(c), (d)(2), (e), (f), 9(c)(2), (j), June 13, 1979, 93 Stat. 39-43.)

5 U.S.C. App. § 203. Filing of Reports.

(a) Except as otherwise provided in this subsection, the reports required under this title shall be filed by the reporting individual with the designated agency official at the agency by which he is employed (or in the case of an individual described in section 201(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President and the Vice President shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency officials, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title [sections 201 to 211 of the Act] by the Director shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 201(c) shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title [sections 201 to 211 of this Act].

(As amended Pub. L. 96–19, § 9(k), June 13, 1979, 93 Stat. 43.)

5 U.S.C. App. § 204. Failure To File or Filing False Reports.

(a) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully falsifies or who knowingly or willfully fails to file or report any information that such individual is required to report pursuant to section 202. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $5,000.

(b) The head of each agency, each Secretary concerned, or the Director of the Office of Government Ethics, as the case may be, shall refer to the Attorney General the name of any individual he has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, and the Office of Personnel Management, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(As amended Pub. L. 96–19, § 9(f), June 13, 1979, 93 Stat. 43.)

5 U.S.C. App. § 205. Custody of and Public Access to Reports.

(a) Each agency shall make each report filed with it under this title [sections 201 to 211 of this Act] available to the public in accordance with the provisions of subsection (b) of this section, together with a copy of the official position description of the Government office or position held by the reporting individual involved (if available) which shall be added to such report by such individual's designated agency official or by the Secretary concerned, except that this section does not require public availability of the report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 204(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest.

(b)(1) Each agency shall, within fifteen days after any report is received by the agency under this title [sections 201 to 211 of this Act], permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. The agency may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(c)(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with an agency, or transmitted to the Director of the Office of Government Ethics, pursuant to this title [sections 201 to 211 of this Act] shall be retained by such agency or the Office of Government Ethics, or both, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 201(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 201(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the office of President or Vice President unless needed in an ongoing investigation.

(As amended Pub. L. 96-19, §§ 8(b), 9(*l*), June 13, 1979, 93 Stat. 41, 43.)

5 U.S.C. App. § 206. Review of Reports.

(a) Each designated agency official or Secretary concerned shall make provisions to ensure that each report filed with him under this title [sections 201 to 211 of this Act] is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports transmitted to him under this title within sixty days after the date of transmittal.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, Secretary concerned, or designated agency official, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, Secretary concerned, or designated agency official, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford him a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, Secretary concerned, or designated agency official reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, he shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in his opinion be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such regulations as the Director of the Office of Government Ethics or a Secretary concerned, as the case may be, may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position (other than in the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee the matter shall be referred to the head of the appropriate agency for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) For purposes of assisting employees in avoiding situations in which they would not be in compliance with applicable laws and regulations, each Secretary concerned and designated agency official (including the President in the case of the individuals employed in the Executive Office of the President) shall maintain a list of those circumstances or situations which have resulted or may result in noncompliance with such laws or regulations. Such list shall be periodically published, and shall be furnished to those individuals employed within the agency who are required to file reports under this title [sections 201 to 211 of this Act]. The absence of any situation or circumstance from such a list shall not be construed as an indication that an individual in such circumstance or situation would be in compliance with such laws or regulations.

(8) The preceding provisions of this subsection shall not apply in the case of the President or Vice President, or a candidate or nominee for such office.

(As amended Pub. L. 96–19, § 9(m), June 13, 1979, 93 Stat. 43.)

5 U.S.C. App. § 207. Additional Disclosure Requirements.

(a) The President may require officers and employees in the executive branch (including the United States Postal Service and members of the uniformed services) not covered by this title [sections 201 to 211 of this Act] to submit confidential reports in such forms as is required by this title. Subsections (a), (b), and (d) of section 205 shall not apply with respect to any such report.

(b) The Director of the Office of Government Ethics may by rule require disclosure, in the reports filed pursuant to subsections (a) and (c) of section 202, of gifts received by a dependent child of a reporting individual if the information required to be disclosed does not exceed that which must be reported by a spouse of a reporting individual under this title [sections 201 to 211 of this Act].

(c) The provisions of this title [sections 201 to 211 of this Act] requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(d) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, or regulation.

(As amended Pub. L. 96-19, § 9(n), June 13, 1979, 93 Stat. 43.)

5 U.S.C. App. § 208. Authority of Comptroller General.

The Comptroller General shall have access to financial disclosure reports filed under this title [sections 201 to 211 of this Act] for the purposes of carrying out his statutory responsibilities.

5 U.S.C. App. § 209. Definitions.

For the purposes of this title [sections 201 to 211 of this Act], the term—

(1) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(2) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(3) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

(D) food and beverages consumed at banquets, receptions, or similar events; or

(E) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

(4) "honoraria" has the meaning given such term in the Federal Election Campaign Act of 1971 [2 U.S.C. 431 et seq.];

(5) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual;

(6) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(7) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954 [26 U.S.C. 152];

(8) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 [2 U.S.C. 434];

(9) "Secretary concerned" has the meaning set forth in section 101(8) of title 10, United States Code, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

(B) the Secretary of Health and Human Service, with respect to matters concerning the Public Health Service;

(10) "designated agency official" means an officer or employee who is designated to administer the provisions of this title within an agency; and

(11) "executive branch" includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch unless such agency, entity, or unit is specifically included in the coverage of title I or III of this Act.

(As amended Pub. L. 96-19, §§ 4(a), 9 (d), (o), June 13, 1979, 93 Stat. 39, 42, 43; Pub. L. 96-88, title V, § 509, Oct. 17, 1979, 93 Stat. 695.)

5 U.S.C. App. § 210. Outside Earned Income.
Except where the employee's agency or department shall have more restictive limitations on outside earned income, all employees covered by this title [sections 201 to 211 of this Act] who are compensated at a pay grade in the General Schedule of grade 16 or above and who occupy nonjudicial full-time positions appointment to which is required to be made by the President, by and with the advice and consent of the Senate, may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary.

5 U.S.C. App. § 211. Effective Date.
The provisions made by this title [sections 201 to 211 of this Act] shall take effect on January 1, 1979, and the reports filed under section 201(d) on May 15, 1979, shall include information for calendar year 1978.

F. Political Activities: Federal Employees (Title 5, United States Code; Including Selected Provisions of the Hatch Act)

5 U.S.C. § 7321. Political Contributions and Services.

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.
(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.)

5 U.S.C. § 7322. Political Use of Authority or Influence; Prohibition.

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.
(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.)

5 U.S.C. § 7323. Political Contributions; Prohibition.

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.
(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.)

5 U.S.C. § 7324. Influencing Elections; Taking Part in Political Campaigns; Prohibitions; Exceptions.

(a) An employee in an Executive agency or an individual employed by the government of the District of Columbia may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an electicn; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Merit Systems Protection Board under the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Section (a)(2) of this section does not apply to—

(1) an employee paid from the appropriation for the office of the President;

(2) the head or the assistant head of an Executive department or military department;

(3) an employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;

(4) The Mayor of the District of Columbia, the members of the Council of the District of Columbia, or the Chairman of the Council of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act; or

(5) the Recorder of Deeds of the District of Columbia.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525; as amended by Pub. L. 93-268, § 4(a), Apr. 17, 1974, 88 Stat. 87; as amended by Pub. L. 96-54, § 2(a)(44), Aug. 14, 1979, 93 Stat. 384.)

5 U.S.C. § 7325. Penalties.

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, § 2(a)(44), Aug. 14, 1979, 93 Stat. 384.)

5 U.S.C. § 7326. Nonpartisan Political Activity Permitted.

Section 7324(a)(2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526.)

5 U.S.C. § 7327. Political Activity Permitted; Employees Residing in Certain Municipalities.

The Office of Personnel Management may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, § 2(a) (14), (15) Aug. 14, 1979, 93 Stat. 382; Pub. L. 97-486, title VI, § 615(b)(1)(E), Jan. 14, 1983, 96 Stat. 2578.)

5 U.S.C. § 7351. Gifts to Superiors.

An employee may not—

(1) solicit a contribution from another employee for a gift to an official superior;

(2) make a donation as a gift to an official superior; or

(3) accept a gift from an employee receiving less pay than himself.

An employee who violates this section shall be removed from the service.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527.)

G. Political Activities: State and Local Employees (Title 5, United States Code)

5 U.S.C. § 1501. Definitions.

For the purpose of this chapter—

(1) "State"means a State or territory or possession of the United States;

(2) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) "Federal agency" means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and

(4) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(As amended Pub. L. 93-443, title IV, § 401(c), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. § 1502. Influencing Elections; Taking Part in Political Campaigns; Prohibitions; Exceptions.

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

(1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(2) the mayor of a city;

(3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system; or

(4) an individual holding elective office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 404; as amended by Pub. L. 93-443, title IV, § 401(a), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. §1503. Nonpartisan Candidacies Permitted.

Section 1502(a)(3) of this title does not prohibit any State or local officer or employee from being a candidate in any election if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

(As amended Pub. L. 93-443, title IV, §401(b)(1), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. §1504. Investigations; Notice of Hearing.

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Special Counsel. On receipt of the report, or on receipt of other information which seems to the Special Counsel to warrant an investigation, the Special Counsel shall investigate the report and such other information and present his findings and any charges based on such findings to the Merit Systems Protection Board, which shall—

(1) fix a time and place for a hearing; and

(2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

(Pub. L. 89-544, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95-454, title IX, §906(a)(7), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. §1505. Hearings; Adjudications; Notice of Determinations.

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504 of this title, and be heard. After this hearing, the Merit Systems Protection Board shall—

(1) determine whether a violation of section 1502 of this title has occurred;

(2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and

(3) notify the officer or employee and the agency of the determination by registered or certified mail.

(Pub. L. 89-544, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95-454, title IX, §906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. §1506. Orders; Withholding Loans or Grants; Limitations.

(a) When the Merit Systems Protection Board finds—

(1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Board that he has violated

section 1502 of this title and that the violation warrants removal; or

(2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency;

the Board shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or grants to the State or local agency to which notice was given an amount equal to 2 years' pay at the rate the officer or employee was receiving at the time of the violation. When the State or local agency to which appointment within 18 months after removal has been made is one that receives loans or grants from a Federal agency, the Board order shall direct that the withholding be made from that State or local agency.

(b) Notice of the order shall be sent by registered or certified mail to the State or local agency from which the amount is ordered to be withheld. After the order becomes final, the Federal agency to which the order is certified shall withhold the amount in accordance with the terms of the order. Except as provided by section 1508 of this title, a determination or order of the Board becomes final at the end of 30 days after mailing the notice of the determination or order.

(c) The Board may not require an amount to be withheld from a loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of that amount would jeopardize the payment of the principal or interest on the bonds or notes.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95-454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1507. Subpenas and Depositions.

(a) The Merit Systems Protection Board may require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter before it as a result of this chapter. Any member of the Board may sign subpenas, and members of the Board and its examiners when authorized by the Board may administer oaths, examine witnesses, and receive evidence. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at the designated place of hearing. In case of disobedience to a subpena, the Board may invoke the aid of a court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpena issued to a person, the United States District Court within whose jurisdiction the inquiry is carried on may issue an order requiring him to appear before the Board, or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The Board may order testimony to be taken by deposition at any stage of a proceeding or investigation before it as a result of this chapter. Depositions may be taken before an individual designated by the Board and having the power to administer oaths. Testimony shall be reduced to writing by the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Board as provided by this section.

(c) A person may not be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpena issued by it. A person so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95–454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1508. Judicial Review.

A party aggrieved by a determination or order of the Merit Systems Protection Board under section 1504, 1505, or 1506 of this title may, within 30 days after the mailing of notice of the determination or order, institute proceedings for review thereof by filing a petition in the United States District Court for the district in which the State or local officer or employee resides. The institution of the proceedings does not operate as a stay of the determination or order unless—

(1) the court specifically orders a stay; and

(2) the officer or employee is suspended from his office or employment while the proceedings are pending.

A copy of the petition shall immediately be served on the Board and thereupon the Board shall certify and file in the court a transcript of the record on which the determination or order was made. The court shall review the entire record including questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce this evidence in the hearing before the Board the court may direct that the additional evidence be taken before the Board in the manner and on the terms and conditions fixed by the court. The Board may modify its findings of fact or its determination or order in view of the additional evidence and shall file with the court the modified findings, determination, or order; and the modified findings of fact, if supported by substantial evidence, are conclusive. The court shall affirm the determination or order, or the modified determination or order, if the court determines that it is in accordance with the law. If the court determines that the determination or order or the modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Board with directions either to make a determination or order determined by the court to be lawful or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court are final, subject to review by the appropriate United States Court of Appeals as in other cases, and the judgment and decree of the court of appeals are final, subject to review by the Supreme Court of the United States on certiorari or certification as provided by section 1254 of title 28. If a provision of this section is held to be invalid as applied to a party by a determination or order of the Board, the determination or order becomes final and effective as to that party as if the provision had not been enacted.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95-454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

H. Criminal Code Provisions (Title 18, United States Code)

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

18 U.S.C. § 203. Compensation to Members of Congress, Officers, and Others in Matters Affecting the Government.

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress, Member of Congress-Elect, Delegate from the District of Columbia, Delegate-Elect from the District of Columbia, Resident Commissioner, or Resident Commissioner-Elect; or

(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial officer or any civil, military, or naval commission, or

(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, a Delegate, Commissioner, officer, or employee—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the serving: *Provided,* That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(Added Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1121; and amended Pub. L. 91-405, title II, § 204(d) (2), (3), Sept. 22, 1970, 84 Stat. 853.)

18 U.S.C. § 210. Offer To Procure Appointive Public Office.
Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 694; § 210, formerly § 214, renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

18 U.S.C. § 211. Acceptance or Solicitation to Obtain Appointive Public Office.
Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Whoever solicits or receives anything of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined not more than $1,000, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 694; § 211, formerly § 215, amended Sept. 13, 1951, ch. 380, 65 Stat. 320; and renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.)

CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

18 U.S.C. § 591 [Definitions.] Repealed.
[18 U.S.C. 3591, based on acts June 25 1948, ch. 645, 62 Stat. 719; May 24, 1949, ch. 139, § 9, 63 Stat. 90; Sept. 22, 1970, Pub. L. 91-405, title II, § 204(d)(4), 84 Stat. 853; Feb. 7, 1972, Pub. L. 92-225, title II, § 201, 86 Stat. 8; Oct. 15, 1974, Pub. L. 93-443, title I, §§ 101(f)(2), 102, 88 Stat. 1268, 1269; May 11, 1976, Pub. L. 94-283, title I, § 115(g), title II, § 202, 90 Stat. 496, 497, defined terms applicable to prohibitions respecting elections and political activities, was repealed by Pub. L. 96-187, title II, 3201(a)(1), Jan. 8, 1980, 93 Stat. 1367.]

18 U.S.C. § 592. Troops at Polls.
Whoever being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under this authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces of the United States from exercising the right of suffrage in any election districts to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

(June 24, 1948, ch. 645, 62 Stat. 719.)

18 U.S.C. § 593. Interference by Armed Forces.

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe, or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice, or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—shall be fined not more than $5,000 or imprisoned not more than five years or both; and disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district.

(June 25, 1948, ch. 645, 72 Stat. 719.)

18 U.S.C. §594. Intimidation of Voters.

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other persons for the purposes of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 720; as amended by Pub. L. 91-405, title II, §204(d)(5), Sept. 22, 1970, 84 Stat. 853.)

18 U.S.C. §595. Interference by Administrative Employees of Federal, State, or Territorial Governments.

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

(June 25, 1948, ch. 645, 62 Stat. 720; as amended by Pub. L. 91-405, title II, §204(d)(6), 84 Stat. 853.)

18 U.S.C. § 596. Polling Armed Forces.

Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

(June 25, 1948, ch. 645, 62 Stat. 720.)

18 U.S.C. § 597. Expenditures to Influence Voting.

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall

be fined not more than $10,000 or imprisoned not more than two years, or both.
(June 24, 1948, ch. 645, 62 Stat. 721.)

18 U.S.C. § 598. Coercion by Means of Relief Appropriations.

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both.
(June 25, 1948, ch. 645, 62 Stat. 721.)

18 U.S.C. § 599. Promise of Appointment of Candidate.

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.
(June 25, 1948, ch. 645, 62 Stat. 721.)

18 U.S.C. § 600. Promise of Employment or Other Benefit for Political Activity.

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as a consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $10,000 or imprisoned not more than one year, or both.
(June 25, 1948, ch. 645, 62 Stat. 721; as amended Pub. L. 92–225, title II, § 202, Feb. 7, 1972, 86 Stat. 9; and Pub. L. 94–453, § 3, Oct. 2, 1976, 90 Stat. 1517.)

18 U.S.C. § 601. Deprivation of Employment or Other Benefit for Political Contribution.

(a) Whoever, directly or indirectly knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) As used in this section—

(1) The term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of a political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 721; as amended by Pub. L. 94-453, § 1, Oct. 2, 1976, 90 Stat. 1516.)

18 U.S.C. § 602. Solicitation of Political Contributions.

It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 431(8)) from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 722; as amended by Pub. L. 96-187, title II, § 201, Jan. 8, 1980, 93 Stat. 1367.)

18 U.S.C. § 603. Making Political Contributions.

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 431(8)) to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 432(e)(1)) shall be considered a contribution to the individual who has authorized such committee.

(June 25, 1984, ch. 645, 62 Stat. 722; Oct. 31, 1951, ch. 655, § 20(b), 65 Stat. 718; as amended by Pub. L. 96–187, title II, § 201, Jan. 8, 1980, 93 Stat. 1367.)

18 U.S.C. § 604. Solicitation for Persons on Relief.

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 722.)

18 U.S.C. § 605. Disclosure of Names of Persons on Relief.

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

whoever receives any such list or names for political purposes—

shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 722.)

18 U.S.C. § 606. Intimidation to Secure Political Contributions.

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 722.)

18 U.S.C. § 607. Place of Solicitation.

(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 431(8)) in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, Provided, That such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and Provided That such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 432(e)).

(June 25, 1948, ch. 645, 62 Stat. 722; as amended by Pub. L. 96–187, § 201, Jan. 8, 1980, 93 Stat. 1367.)

18 U.S.C. § 608. Absent Uniformed Services Voters and Overseas Voters.

(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Voting Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

(Added Pub. L. 99–410, title II, § 202(a), Aug. 28, 1986, 100 Stat. 929.)

18 U.S.C. § 609. Use of Military Authority To Influence Vote of Member of Armed Forces.

Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office.

(Added Pub. L. 99–410, title II, § 202(a), Aug. 28, 1986, 100 Stat. 929.)

I. Internal Revenue Code, Political Campaign Debts and Contributions (Title 26, United States Code)

26 U.S.C. § 84. Transfer of Appreciated Property to Political Organization.

(a) *General rule.*

If—

(1) any person transfers property to a political organization, and

(2) the fair market value of such property exceeds its adjusted basis,

then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

(b) *Basis of property.*

In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

(c) *Political organization defined.*

For purposes of this section, the term "political organization" has the meaning given to such term by section 527(e)(1).

(Added Pub. L. 92-625, § 13(a)(1), Jan. 3, 1975, 88 Stat. 2120.)

26 U.S.C. § 271. Debts Owed by Political Parties, etc.

(a) *General rule.*

In the case of a taxpayer (other than a bank as defined in section 581) no deduction shall be allowed under section 166 (relating to bad debts) or under section 165(g) (relating to worthlessness of securities) by reason of the worthlessness of any debt owed by a political party.

(b) *Definitions.*

(1) *Political party.*—For purposes of subsection (a), the term "political party" means—

(A) a political party;

(B) a national, State, or local committee of a political party; or

(C) a committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice presidential electors or of any individual whose name is presented for election to any Federal, State, or local elective public office whether or not such individual is elected.

(2) *Contributions.*—For purposes of paragraph (1)(C), the term "contributions" includes a gift, subscription, loan, advance,

or deposit of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable.

(3) *Expenditures.*—For purposes of paragraph (1)(C), the term "expenditures" includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value, and includes a contract promise or agreement to make an expenditure, whether or not legally enforceable.

(c) *Exception.*

In the case of a taxpayer who uses an accrual method of accounting, subsection (a) shall not apply to a debt which accrued as a receivable on a bona fide sale of goods or services in the ordinary course of the taxpayer's trade or business if—

(1) for the taxable year in which such receivable accrued, more than 30 percent of all receivables which accrued in the ordinary course of the trades and businesses of the taxpayer were due from political parties, and

(2) the taxpayer made substantial continuing efforts to collect on the debt.

(Aug. 16, 1954, ch. 736, 68A Stat. 82 as amended Oct. 4, 1976, Pub. L. 94-455, title XXI, § 2104(a), 90 Stat. 1901.)

26 U.S.C. § 276. Certain Indirect Contributions to Political Parties.

(a) *Disallowance of Deduction.*

No deduction otherwise allowable under this chapter shall be allowed for any amount paid or incurred for—

(1) advertising in a convention program of a political party, or in any other publication if any part of the proceeds of such publication directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate;

(2) admission to any dinner or program, if any part of the proceeds of such dinner or program directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate; or

(3) admission to an inaugural ball, inaugural gala, inaugural parade, or inaugural concert, or to any similar event which is identified with a political party or a political candidate.

(b) *Definitions.*

For purposes of this section—

(1) *Political party.*—The term "political party" means—

(A) a political party;

(B) a National, State, or local committee of a political party; or

(C) a committee, association, or organization, whether incorporated or not, which directly or indirectly accepts contributions (as defined in section 271(b)(2)) or makes expenditures (as defined in section 271(b)(3)) for the purpose of influencing or attempting to influence the selection, nomination, or election of any individual to any Federal, State, or local elective public office, or the election of presidential and vice-presidential electors, whether or not such individual or electors are selected, nominated, or elected.

(2) *Proceeds inuring to or for the use of political candidates.*—Proceeds shall be treated as inuring to or for the use of a political candidate only if—

(A) such proceeds may be used directly or indirectly for the purpose of furthering his candidacy for selection, nomination, or election to any elective public office, and

(B) such proceeds are not received by such candidate in the ordinary course of a trade or business (other than the trade or business of holding elective public office).

(c) *Cross reference.*

For disallowance of certain entertainment, etc., expenses, see section 274.

(Added Pub. L. 89-368, title III, § 301(a), Mar. 15, 1966, 80 Stat. 66; and amended Pub. L. 90-364, title I, § 108(a), June 28, 1968, 82 Stat. 269; as amended by Pub. L. 93-443, § 406(d), Oct. 15, 1974, 88 Stat. 1296, and by Pub. L. 93-625, § 10, Jan. 3, 1975, 88 Stat. 2119.)

26 U.S.C. § 527. Political Organizations.

(a) *General rule.*—A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(b) *Tax imposed.*

(1) *In general.*—A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall be computed by multiplying the political organization taxable income by the highest rate of tax specified in section 11(b).

(2) *Alternative tax in case of capital gains.*—If for any taxable year any political organization has a net capital gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—

(A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and

(B) an amount determined as provided in section 1201(a) on such gain.

(c) *Political organization taxable income defined.*

(1) *Taxable income defined.*—For purposes of this section, the political organization taxable income of any organization for any taxable year is an amount equal to the excess (if any) of—

(A) the gross income for the taxable year (excluding any exempt function income), over

(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).

(2) *Modifications.*—For purposes of this subsection—

(A) there shall be allowed a specific deduction of $100,

(B) no net loss deduction shall be allowed under section 172, and

(C) no deduction shall be allowed under part VIII of subchapter B (relating to special deductions for corporations).

(3) *Exempt function income.*—For purposes of this subsection, the term "exempt function income" means any amount received as—

(A) a contribution of money or other property,

(B) membership dues, a membership fee or assessment from a member of the political organization,

(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, or

(D) proceeds from the conducting of any bingo game (as defined in section 513(f)(2)),

to the extent such amount is segregated for use only for the exempt function of the political organization.

(d) *Certain uses not treated as income to candidate.*

For purposes of this title, if any political organization—

(1) contributes any amount to or for the use of any political organization which is treated as exempt from tax under subsection (a) of this section,

(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or

(3) deposits any amount in the general fund of the Treasury or in the general fund of any State or local government,

such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

(e) *Other definitions.*

For purposes of this section—

(1) *Political organization.*—The term "political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

(2) *Exempt function.*—The term "exempt function" means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed.

(3) *Contributions.*—The term "contributions" has the meaning given to such term by section 271(b)(2).

(4) *Expenditures.*—The term "expenditures" has the meaning given to such terms by section 271(b)(3).

(f) *Exempt organization which is not political organization must include certain amounts in gross income.*

(1) *In general.*—If an organization described in section 501(c) which is exempt from tax under section 501(a) expends any amount during the taxable year directly (or through another organization) for an exempt function (within the meaning of subsection (e)(2)), then, notwithstanding any other provision of law, there shall be included in the gross income of such organization for the taxable year, and shall be subject to tax under subsection (b) as if it constituted political organization taxable income, an amount equal to the lesser of—

(A) the net investment income of such organization for the taxable year, or

(B) the aggregate amount so expended during the taxable year for such an exempt function.

(2) *Net investment income.*—For purposes of this subsection, the term "net investment income" means the excess of—

(A) the gross amount of income from interest, dividends, rents, and royalties, plus the excess (if any) of gains from the sale or exchange of assets over the losses from the sale or exchange of assets, over

(B) the deductions allowed by this chapter which are directly connected with the production of the income referred to in subparagraph (A).

For purposes of the preceding sentence, there shall not be taken into account items taken into account for purposes of the tax imposed by section 511 (relating to tax on unrelated business income).

(3) *Certain separate segregated funds.*—For purposes of this subsection and subsection (e)(1), a separate segregated fund (within the meaning of section 610 of title 18 or of any similar State statute, or within the meaning of any State statute which permits the segregation of dues moneys for exempt functions (within the meaning of subsection (e)(2))) which is maintained by an organization described in section 501(c) which is exempt from tax under section 501(a) shall be treated as a separate organization.

(g) *Treatment of newsletter funds.*

(1) *In general.*—For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of paragraph (3)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.

(2) *Additional modifications.*—In the case of any fund described in paragraph (1)—

(A) the exempt function shall be only the preparation and circulation of the newsletter, and

(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed.

(3) *Candidate.*—For purposes of paragraph (1), the term "candidate" means, with respect to any Federal, State, or local elective public office, an individual who—

(A) publicly announces that he is a candidate for nomination or election to such office, and

(B) meets the qualifications prescribed by law to hold such office.

(h) *Special rule for principal campaign committees.*

(1) *In general.*—In the case of a political organization, which is a principal campaign committee, paragraph (1) of subsection (b) shall be applied by substituting "the appropriate rates" for the "the highest rate".

(2) *Principal campaign committee defined.*

(A) *In general.*—For purposes of this subsection, the term "principal campaign committee" means the political committee designated by a candidate for Congress as his principal campaign committee for purposes of—

(i) section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and

(ii) this subsection.

(B) *Designation.* A candidate may have only 1 designation in effect under subparagraph (A)(ii) at any time and such designation—

(i) shall be made at such time and in such manner as the Secretary may prescribe by regulations, and

(ii) once made, may be revoked only with the consent of the Secretary.

Nothing in this subsection shall be construed to require any designation where there is only one political committee with respect to a candidate.

(Added Pub. L. 93-625, § 10(a), Jan. 3, 1975, 88 Stat. 2116, and amended Pub. L. 94-455, title XIX, § 1901(b)(33)(C), Oct. 4, 1976, 90 Stat. 1801; Pub. L. 95-502, title III, § 302(a), Oct. 21, 1978, 92 Stat. 1702; Pub. L. 95-600, title III, § 301(b)(6), Nov. 6, 1978, 92 Stat. 2821; Pub. L. 97-34, title I, § 128(a), Aug. 13, 1981, 95 Stat. 203; Pub. L. 98-369, title IV, § 474(r)(16), title VII § 722(c) July 18, 1984, 98 Stat. 843, 973; Pub. L. 99-514, title I, § 112(b)(1), Oct. 22, 1986, 100 Stat. 2108.)

26 U.S.C. § 2501. Imposition of Tax.

(a) *Taxable transfers.*

(1) *General rule.*—A tax, computed as provided in section 2502, is hereby imposed for each calendar year on the transfer of property by gift during such calendar year by any individual, resident or nonresident.

* * * * * * *

(5) *Transfers to political organizations.*—Paragraph (1) shall not apply to the transfer of money or other property to a political organization (within the meaning of section 527(e)(1)) for the use of such organization.

(Added Pub. L. 93-265, § 14(a), Jan. 3, 1975, 88 Stat. 2121, as amended Pub. L. 97-34, title IV, § 442(a)(1), Aug. 13, 1981, 95 Stat. 320)

26 U.S.C. § 6012. Persons Required To Make Returns of Income.

(a) *General rule.*

Returns with respect to income taxes under subtitle A shall be made by the following:

* * * * * * *

(6) Every political organization (within the meaning of section 527(e)(1)), and every fund treated under section 527(g) as if it constituted a political organization, which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year * * *

J. Public Financing of Presidential Elections (Title 26, United States Code)

26 U.S.C. § 6096. Designation by Individuals.

(a) *In general.*

Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to the fund.

(b) *Income tax liability.*

For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under part IV of subchapter A of chapter 1 (other than subpart C thereof).

(c) *Manner and time of designation.*

A designation under subsection (a) may be made with respect to any taxable year—

(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

(Added Pub. L. 89–809, title III, § 302(a), Nov. 13, 1966, 80 Stat. 1587, and amended Pub. L. 92–178, title VIII, § 802(a), Dec. 10, 1971, 85 Stat. 573; Pub. L. 93-53, § 6(a), July 1, 1973, 87 Stat. 138; Pub. L. 94–12, title II, §§ 203(b)(4), 208(d)(4), Mar. 29, 1975, 89 Stat. 30, 35; Pub. L. 94–455, title IV, § 401(a)(2)(C), title V, § 504(c)(2), title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1555, 1565, 1834; Pub. L. 95–30, title II, § 202(d)(6), May 23, 1977, 91 Stat. 151; Pub. L. 95–618, title I, § 101(b)(4), Nov. 9, 1978, 92 Stat. 3180; Pub. L. 96–223, title II, § 231(b) (2), (3)(C), Apr. 2, 1980, 94 Stat. 272, 276. As amended Pub. L. 97–34, title II, § 221(c)(1), title III, § 331(e)(1), Aug. 13, 1981, 95 Stat. 247, 295; Pub. L. 97–414, § 4(c)(2), Jan. 4, 1982, 96 Stat. 2056; Pub. L. 98–369, title IV, § 474(r)(31), July 18, 1984, 98 Stat. 845.)

26 U.S.C. § 9001. Short title.

This chapter may be cited as the "Presidential Election Campaign Fund Act".

(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 563.)

26 U.S.C. § 9002. Definitions.

For purposes of this chapter—

(1) The term "authorized committee" means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term "candidate" means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election. The term "candidate" shall not include any individual who has ceased actively to seek election to the office of President of the United States or to the office of Vice President of the United States, in more than one State.

(3) The term "Commission" means the Federal Election Commission established by section 309(a)(1) of the Federal Election Campaign Act of 1971.

(4) The term "eligible candidates" means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

(5) The term "fund" means the Presidential Election Campaign Fund established by section 9006(a).

(6) The term "major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but

less than 25 percent of the total number of popular votes received by all candidates for such office.

(8) The term "new party" means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

(9) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(10) The term "presidential election" means the election of presidential and vice-presidential electors.

(11) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Commission prescribes by rules or regulations.

(12) The term "expenditure report period" with respect to any presidential election means—

(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

(Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 563, and amended Pub. L. 93-443, title IV, § 404(c)(1)-(3), Oct. 15, 1974, 88 Stat. 1292; Pub. L. 94-283, title I, § 115(c)(1), title III, § 306(a)(1), May 11, 1976, 90 Stat. 495, 499.)

26 U.S.C. § 9003. Condition for Eligibility for Payments.

(a) *In general.*

In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

(2) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

(3) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.

(b) *Major parties.*

In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Commission, under penalty or perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.

(c) *Minor and new parties.*

In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Commission, under penalty of perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.

(d) *Withdrawal by candidate.*

In any case in which an individual ceases to be a candidate as a result of the operation of the last sentence of section 9002(2), such individual—

(1) shall no longer be eligible to receive any payments under section 9006, except that such individual shall be eligible to receive payments under such section to defray qualified campaign expenses incurred while actively seeking election to the office of President of the United States or to the office of Vice President of the United States in more than one State; and

(2) shall pay to the Secretary, as soon as practicable after the date upon which such individual ceases to be a candidate, an amount equal to the amount of payments received by such individual under section 9006 which are not used to defray qualified campaign expenses.

(Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 564, and amended Pub. L. 93-53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93-443, title IV, §§ 404(c)(4), (5), 405(b), Oct. 15, 1974, 88 Stat. 1292, 1294; Pub. L. 94-283, title III, § 306(a)(2), May 11, 1976, 90 Stat. 500; Pub. L. 94-455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9004. Entitlement of Eligible Candidates to Payments.

(a) *In general.*

Subject to the provisions of this chapter—

(1) The eligible candidates of each major party in a presidential election shall be entitled to equal payments under section 9006 in an amount which, in the aggregate, shall not exceed the expenditure limitations applicable to such candidates under section 320(b)(1)(B) of the Federal Election Campaign Act of 1971.

(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minority party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount allowed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

(b) *Limitations.*

The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a)(2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

(c) *Restriction.*

The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(d) *Expenditures from personal funds.*
In order to be eligible to receive any payment under section 9006, the candidate of a major, minor, or new party in an election for the office of President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President in excess of, in the aggregate, $50,000. For purposes of this subsection, expenditures from personal funds made by a candidate of a major, minor, or new party for the office of Vice President shall be considered to be expenditures by the candidate of such party for the office of President.

(e) *Definition of immediate family.*
For purposes of subsection (d), the term "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.
(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 565, and amended Pub. L. 93–443, title IV, § 404 (a), (b), Oct. 15, 1974, 88 Stat. 1291, 1292; Pub. L. 94–283, title III, §§ 301(a), 307(d), May 11, 1976, 90 Stat. 497, 501.)

26 U.S.C. § 9005. Certification by Commission.
(a) *Initial certifications.*
(a) Not later than 10 days after the candidates of a political party for President and Vice President of the United States have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003, the Commission shall certify to the Secretary of the Treasury for payment to such eligible candidates under section 9006 payment in full of amounts to which such candidates are entitled under section 9004.

(b) *Finality of certifications and determinations.*
Initial certifications by the Commission under subsection (a), and all determinations made by it under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 9007 and judicial review under section 9011.
(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 566, and amended Pub. L. 93–443, title IV, § 404(c) (6), (7), 405(a), Oct. 15, 1974, 88 Stat. 1,202, 1293; Pub. L. 94–455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1884.)

26 U.S.C. § 9006. Payments to Eligible Candidates.
(a) *Establishment of campaign fund.*
There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Presidential Election Campaign Fund". The Secretary of the Treasury shall, from time to time, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to the fund by individuals under section 6096. There is appropriated to the fund for each fiscal year, out of amounts in the general

fund of the treasury not otherwise appropriated, an amount equal to the amounts so designated during each fiscal year, which shall remain available to the fund without fiscal year limitation.

(b) *Payments from the fund.*
Upon receipt of a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary of the Treasury shall pay to such candidates out of the fund the amount certified by the Commission. Amounts paid to any such candidates shall be under the control of such candidates.

(c) *Insufficient amounts in fund.*
If at the time of a certification by the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement. In any case in which the Secretary determines that there are insufficient moneys in the fund to make payments under subsection (b), section 9008(b)(3), and section 9037(b), moneys shall not be made available from any other source for the purpose of making such payments.
(Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 567, and amended Pub. L. 93-53, § 6(b), July 1, 1973, 87 Stat. 138; Pub. L. 93-443, title IV, §§ 403(a), 404(c)(8), Oct. 15, 1975, 88 Stat. 1291, 1292; Pub. L. 94-283, title III, § 302, May 11, 1976, 90 Stat. 498; Pub. L. 94-455, title XIX, § 1906(b)(13)(A), (B), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9007. Examinations and Audits; Repayments.

(a) *Examinations and audits.*
After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

(b) *Repayments.*
(1) If the Commission determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, it shall

so notify such candidates, and such candidates shall pay to the Secretary of the Treasury an amount equal to such portion.

(2) If the Commission determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, it shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(3) If the Commission determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), it shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(4) If the Commission determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, it shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

(c) *Notification.*

No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

(d) *Deposit of repayments.*

All payments received by the Secretary of the Treasury under subsection (b) shall be deposited by him in the general fund of the Treasury.

(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 568, and amended Pub. L. 93–53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93–443, title IV, § 404(c)(9)–(11), Oct. 15, 1974, 88 Stat. 1292; Pub. L. 94–283, title III, § 307(e), May 11, 1976, 90 Stat. 502; Pub. L. 94–455, title XIX, § 1906(b)(13) (B), (C), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9008. Payments for Presidential Nominating Conventions.

(a) *Establishment of accounts.*

The Secretary shall maintain in the fund, in addition to any account which he maintains under section 9006(a), a separate account for the national committee of each major party and minor party. The Secretary shall deposit in each such account an amount equal to the amount which each such committee may receive under subsection (b). Such deposits shall be drawn from amounts designated by individuals under section 6096 and shall be made before any transfer is made to any account for any eligible candidate under section 9006(a).

(b) *Entitlement to payments from the fund.*

(1) *Major parties.*—Subject to the provisions of this section, the national committee of a major party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed $3,000,000.

(2) *Minor parties.*—Subject to the provisions of this section, the national committee of a minor party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under paragraph (1) as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding presidential election.

(3) *Payments.*—Upon receipt of certification from the Commission under subsection (g), the Secretary shall make payments from the appropriate account maintained under subsection (a) to the national committee of a major party or minor party which elects to receive its entitlement under this subsection. Such payments shall be available for use by such committee in accordance with the provisions of subsection (c).

(4) *Limitation.*—Payments to the national committee of a major party or minor party under this subsection from the account designated for such committee shall be limited to the amounts in such account at the time of payment.

(5) *Adjustment of entitlements.*—The entitlements established by this subsection shall be adjusted in the same manner as expenditure limitations established by section 320(b) and section 320(d) of the Federal Election Campaign Act of 1971 are adjusted pursuant to the provisions of section 320(c) of such Act.

(c) *Use of funds.*—No part of any payment made under subsection (b) shall be used to defray the expenses of any candidate or delegate who is particiating in any presidential nominating convention. Such payments shall be used only—

(1) to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits)

by or on behalf of the national committee receiving such payments; or

(2) to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds (other than contributions to defray such expenses received by such committee) used to defray such expenses.

(d) *Limitation of expenditures.*

(1) *Major parties.*—Except as provided by paragraph (3), the national committee of a major party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under subsection (b)(1).

(2) *Minor parties.*—Except as provided by paragraph (3), the national committee of a minor party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under subsection (b)(1).

(3) *Exception.*—The Commission may authorize the national committee of a major party or minor party to make expenditures which, in the aggregate, exceed the limitation established by paragraph (1) or paragraph (2) of this subsection. Such authorization shall be based on a determination by the Commission that, due to extraordinary and unforeseen circumstances, such expenditures are necessary to assure the effective operation of the presidential nominating convention by such committee.

(4) *Provision of legal or accounting services.*—For purposes of this section, the payment, by any person other than the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services) of compensation to any individual for legal or accounting services rendered to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses.

(e) *Availability of payments.*

The national committee of a major party or minor party may receive payments under subsection (b)(3) beginning on July 1 of the calendar year immediately preceding the calendar year in which a presidential nominating convention of the political party involved is held.

(f) *Transfer to the fund.*

If, after the close of a presidential nominating convention and after the national committee of the political party involved has been paid the amount which it is entitled to receive under this section, there are moneys remaining in the account of such national committee, the Secretary shall transfer the moneys so remaining to the fund.

(g) *Certification by Commission.*
Any major party or minor party may file a statement with the Commission in such form and manner and at such times as it may require, designating the national committee of such party. Such statement shall include the information required by section 303(b) of the Federal Election Campaign Act of 1971, together with such additional information as the Commission may require. Upon receipt of a statement filed under the preceding sentences, the Commission promptly shall verify such statement according to such procedures and criteria as it may establish and shall certify to the Secretary for payment in full to any such committee of amounts to which such committee may be entitled under subsection (b). Such certifications shall be subject to an examination and audit which the Commission shall conduct no later than December 31 of the calendar year in which the presidential nominating convention involved is held.

(h) *Repayments.*
The Commission shall have the same authority to require repayments from the national committee of a major party or a minor party as it has with respect to repayments from any eligible candidate date under section 9007(b). The provisions of section 9007(c) and section 9007(d) shall apply with respect to any repayment required by the Commission under this subsection.
(Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569, and amended Pub. L. 93-443, title IV, § 406(a), Oct. 15, 1974, 88 Stat. 1294; Pub. L. 94-283, title III, §§ 303, 307(a), May 11, 1976, 90 Stat. 498, 501; Pub. L. 96-187, title II, § 202, Jan. 8, 1980, 93 Stat. 1368.)

26 U.S.C. § 9009. Reports to Congress; Regulations.

(a) *Reports.*
The Commission shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—
(1) the qualified campaign expenses (shown in such detail as the Commision determines necessary) incurred by the candidates of each political party and their authorized committees;
(2) the amounts certified by it under section 9005 for payment to the eligible candidates of each political party;
(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required; and
(4) the expenses incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;
(5) the amounts certified by it under section 9008(g) for payment to each such committee; and
(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment.
Each report submitted pursuant to this section shall be printed as a Senate document.

(b) *Regulations, etc.*
The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

(c) *Review of regulations.*
(1) The Commission before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.
(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. And amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.
(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.
(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law.
(Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569, and amended Pub. L. 93-443, title IV, §§ 404(c) (12), (13), 406(b)(1), 409, Oct. 15, 1974, 88 Stat. 1292, 1293, 1296, 1303; Pub. L. 94-283, title III, § 304(a), May 11, 1976, 90 Stat. 498.)

26 U.S.C. § 9010. Participation by Commission in Judicial Proceedings.

(a) *Appearance by counsel.*
The Commission is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) *Recovery of certain payments.*
The Commission is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of examination and audit made pursuant to section 9007.

(c) *Declaratory and injunctive relief.*
The Commission is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) *Appeal.*
The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.
(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569, and amended Pub. L. 93–443, title IV, § 404(c)(14)–(18), Oct. 15, 1974, 88 Stat. 1293; Pub. L. 94–455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9011. Judicial Review.

(a) *Review of certification, determination, or other action by the Commission.*
Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Commission for which review is sought.

(b) *Suits to implement chapter.*
(1) The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.
(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection

shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. (Added Pub. L. 92-178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 570, and amended Pub. L. 93-443, title IV, § 404(c)(19)-(21), Oct. 15, 1974, 88 Stat. 1293; Pub. L. 98-620, title IV, § 402(28)(F), Nov. 8, 1984, 98 Stat. 3359.)

26 U.S.C. § 9012. Criminal Penalties.

(a) *Excess expenses.*

(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in an amount which exceeds the qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election. It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to incur expenses with respect to a presidential nominating convention in excess of the expenditure limitation applicable with respect to such committee under section 9008(d), unless the incurring of such expenses is authorized by the Commission under section 9008(d)(3).

(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(b) *Contributions.*

(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be

fined not more than $5,000, or imprisoned not more than one year, or both.

(c) *Unlawful use of payments.*

(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(2) It shall be unlawful for the national committee of a major party or minor party which receives any payment under section 9008(b)(3) to use, or authorize the use of, such payment for any purpose other than a purpose authorized by section 9008(c).

(3) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(d) *False statements, etc.*

(1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this chapter; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this chapter.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) *Kickbacks and illegal payments.*

(1) it shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees. It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to give or accept any kickback or any illegal payment in connection with any expense incurred by such committee with respect to a presidential nominating convention.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in con-

nection with any qualified campaign expense of eligible candidates or their authorized committees, or in connection with any expense incurred by the national committee of a major party or minor party with respect to a presidential nominating convention shall pay to the Secretary of the Treasury, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(f) *Unauthorized expenditures and contributions.*
(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.
(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.
(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(g) *Unauthorized disclosure of information.*
(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.
(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.
(Added Pub. L. 92-178, title VII, § 801, Dec. 10, 1971, 85 Stat. 570, and amended Pub. L. 93-53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93-443, title IV, §§ 404(c)(22), 406(b)(2)-(6), Oct. 15, 1974, 88 Stat. 1293, 1296; Pub. L. 94-283, title III, § 307(f), May 11, 1976, 90 Stat. 502; Pub. L. 94-455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1834.)

CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

26 U.S.C. § 9031. Short Title.

This chapter may be cited as the "Presidential Primary Matching Payment Account Act".
(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1297.)

26 U.S.C. § 9032. Definitions.

For purposes of this chapter—

(1) The term "authorized committee" means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means an individual who seeks nomination for election to be President of the United States. For purposes of this paragraph, an individual shall be considered to seek nomination for election if he (A) takes the action necessary under the law of a State to qualify himself for nomination for election, (B) receives contributions or incurs qualified campaign expenses, or (C) gives his consent for any other person to receive contributions or to incur qualified campaign expenses on his behalf. The term "candidate" shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.

(3) The term "Commission" means the Federal Election Commission established by section 309(a)(1) of the Federal Election Campaign Act of 1971.

(4) Except as provided by section 9034(a), the term "contribution"—

(A) means a gift, subscription, loan, advance, or deposit of money, or anything of value, the payment of which was made on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such gift, subscription, loan, advance, or deposit of money, or anything of value, is made, for the purpose of influencing the result of a primary election,

(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose.

(C) means funds received by a political committee which are transferred to that committee from another committee, and

(D) means the payment by any person other than a candidate, or his authorized committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge, but

(E) does not include—

(i) except as provided in subparagraph (D), the value of personal services rendered to or for the benefit of a candidate by an individual who receives no compensation for rendering such service to or for the benefit of the candidate, or

(ii) payments under section 9037.

(5) The term "matching payment account" means the Presidential Primary Matching Payment Account established under section 9037(a).

(6) The term "matching payment period" means the period beginning with the beginning of the calendar year in which a general election for the office of President of the United States will be held and ending on the date on which the national convention of the party whose nomination a candidate seeks nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, ending on the earlier of (A) the date such party nominates its candidate for the office of President of the United States, or (B) the last day of the last national convention held by a major party during such calendar year.

(7) The term "primary election" means an election, including a runoff election or a nominating convention or caucus held by a political party, for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President of the United States.

(8) The term "political committee" means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any person for election to the office of President of the United States.

(9) The term "qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or of anything of value—

(A) incurred by a candidate, or his authorized committee, in connection with his campaign for nomination for election, and

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid.

For purposes of this paragraph, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or the committee.

(10) The term "State" means each State of the United States and the District of Columbia.

(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1297, and amended Pub. L. 94-283, title I, § 115(c)(2), title III, § 306(b)(1), May 11, 1976, 90 Stat. 495, 500.)

26 U.S.C. § 9033. Eligibility for Payments.

(a) *Conditions.*

To be eligible to receive payments under section 9037, a candidate shall, in writing—

(1) agree to obtain and furnish to the Commission any evidence it may request of qualified campaign expenses.

(2) agree to keep and furnish to the Commission any records, books, and other information it may request, and

(3) agree to an audit and examination by the Commission under section 9038 and to pay any amounts required to be paid under such section.

(b) *Expense limitation; declaration of intent; minimum contributions.*

To be eligible to receive payments under section 9037, a candidate shall certify to the Commission that—

(1) the candidate and his authorized committees will not incur qualified campaign expenses in excess of the limitations on such expenses under section 9035,

(2) the candidate is seeking nomination by a political party for election to the office of President of the United States,

(3) the candidate has received matching contributions which in the aggregate, exceed $5,000 in contributions from residents of each of at least 20 States, and

(4) the aggregate of contributions certified with respect to any person under paragraph (3) does not exceed $250.

(c) *Termination of payments.*

(1) *General rule.*—Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—

(A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or

(B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

(2) *Qualified campaign expenses; payments to secretary.*—Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to receive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).

(3) *Calculation of voting percentage.*—For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.

(3) *Reestablishment of eligibility.*—

(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).

(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total numbers of votes

cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.
(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1299, and amended Pub. L. 94-283, title III, §§ 305(c), 306(b)(2), May 11, 1976, 90 Stat. 499, 500.)

26 U.S.C. § 9034. Entitlement of Eligible Candidates to Payments.

(a) *In general.*
Every candidate who is eligible to receive payments under section 9033 is entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination, or by his authorized committees, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person on or after the beginning of such preceding calendar year exceeds $250. For purposes of this subsection and section 9033(b), the term "contribution" means a gift of money made by a written instrument which indentifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).

(b) *Limitations.*
The total amount of payments to which a candidate is entitled under subsection (a) shall not exceed 50 percent of the expenditure limitation applicable under section 320(b)(1)(A) of the Federal Election Campaign Act of 1971.
(Added Pub. L. 93-443, title IX, § 408(c), Oct. 15, 1974, 88 Stat. 1299, and amended Pub. L. 94-283, title III, § 307(b), May 11, 1976, 90 Stat. 501.)

26 U.S.C. § 9035. Qualified Campaign Expense Limitation.

(a) *Expenditure limitations.*
No candidate shall knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 320(b)(1)(A) of the Federal Election Campaign Act of 1971, and no candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, $50,000.

(b) *Definition of immediate family.*
For purposes of this section, the term "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.
(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300, and amended Pub. L. 94-283, title III, §§ 305(a), 307(c), May 11, 1976, 90 Stat. 499, 501.)

26 U.S.C. § 9036. Certification by Commission.

(a) *Initial certifications.*

Not later than 10 days after a candidate establishes his eligibility under section 9033 to receive payments under section 9037, the Commission shall certify to the Secretary for payment to such candidate under section 9037 payment in full of amounts to which such candidate is entitled under section 9034. The Commission shall make such additional certifications as may be necessary to permit candidates to receive payments for contributions under section 9037.

(b) *Finality of determinations.*

Initial certifications by the Commission under subsection (a), and all determinations made by it under this chapter, are final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 9038 and judicial review under section 9041.

(Added Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300.)

25 U.S.C. § 9037. Payments to Eligible Candidates.

(a) *Establishment of account.*

The Secretary shall maintain in the Presidential Election Campaign Fund established by section 9006(a), in addition to any account which he maintains under such section, a separate account to be known as the Presidential Primary Matching Payment Account. The Secretary shall deposit into the matching payment account, for use by the candidate of any political party who is eligible to receive payments under section 9033, the amount available after the Secretary determines that amounts for payments under section 9006(c) and for payments under section 9008(b)(3) are available for such payments.

(b) *Payments from the matching payment account.*

Upon receipt of a certification from the Commission under section 9036, but not before the beginning of the matching payment period, the Secretary shall promptly transfer the amount certified by the Commission from the matching payment account to the candidate. In making such transfers to candidates of the same political party, the Secretary shall seek to achieve an equitable distribution of funds available under subsection (a), and the Secretary shall take into account in seeking to achieve an equitable distribution, the sequence in which such certifications are received.

(Added Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300, and amended Pub. L. 94–455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9038. Examinations and Audits; Repayments.

(a) *Examinations and audits.*

After each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received payments under section 9037.

(b) *Repayments.*

(1) If the Commission determines that any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount of payments to which such candidate was entitled under section 9034, it shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of excess payments.

(2) If the Commission determines that any amount of any payment made to a candidate from the matching payment account was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses,

it shall notify such candidate of the amount so used, and the candidate shall pay to the Secretary an amount equal to such amount.

(3) Amounts received by a candidate from the matching payment account may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred for a period not exceeding 6 months after the end of the matching payment period. After all obligations have been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the matching payment account bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the matching payment account.

(c) *Notification.*

No notification shall be made by the Commission under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

(d) *Deposit of repayments.*

All payments received by the Secretary under subsection (b) shall be deposited by him in the matching payment account. (Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300, and amended Pub. L. 94-455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9039. Reports to Congress; Regulations.

(a) *Reports.*

The Commission shall, as soon as practicable after each matching payment period, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees,

(2) the amounts certified by it under section 9036 for payment to each eligible candidate, and

(3) the amount of payments, if any, required from candidates under section 9038, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) *Regulations, etc.*

The Commission is authorized to prescribe rules and regulations in accordance with the provisions of subsection (c), to conduct examinations and audits (in addition to the examinations and audits required by section 9038(a)), to conduct investigations, and to require the keeping and submission of any books, records, and information, which it determines to be necessary to carry out its responsibilities under this chapter.

(c) *Review of regulations.*

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law.

(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1301, and amended Pub. L. 94-283, title III, § 304(b), May 11, 1976, 90 Stat. 499.)

26 U.S.C. § 9040. Participation by Commission in Judicial Proceedings.

(a) *Appearance by counsel.*

The Commission is authorized to appear in and defend against any action instituted under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United

States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) *Recovery of certain payments.*

The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of an examination and audit made pursuant to section 9038.

(c) *Injunctive relief.*

The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate to implement any provision of this chapter.

(d) *Appeal.*

The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302, and amended Pub. L. 94-455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9041. Judicial Review.

(a) *Review of agency action by the Commission.*

Any agency action by the Commission made under the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

(b) *Review procedures.*

The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302.)

26 U.S.C. § 9042. Criminal Penalties.

(a) *Excess campaign expenses.*

Any person who violates the provisions of section 9035 shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of section 9035 shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

(b) *Unlawful use of payments.*

(1) It is unlawful for any person who receives any payment under section 9037, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray qualified campaign expenses, or

(B) to repay loans, the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.

(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(c) *False statements, etc.*

(1) It is unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this chapter, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this chapter, or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this chapter.

(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(d) *Kickbacks and illegal payments.*

(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate, or his authorized committees, who receives payments under section 9037.

(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary for deposit in the matching payment account, an amount equal to 125 percent of the kickback or payment received.

(Added Pub. L. 93-443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302.)

47 U.S.C. § 312. Administrative Sanctions—Revocation of Station License or Construction Permit.

(a) *Revocation of station license or construction permit.*
The Commission may revoke any station license or construction permit—
[*See main volume for text of (1) to (4).*]
(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section;
(6) for violation of section 1304, 1343, of 1464 of title 18; or
(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.
[*See main volume for text of (b) to (e).*]

(f) *Willful or repeated violations.*
For purposes of this section:
(1) The term "willful", when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States.
(2) The term "repeated", when used with reference to the commission or omission of any act, means the commission or omission of such act more than once, or, if such commission or omission is continuous, for more than one day.
(As amended Feb. 7. 1972, Pub. L. 92-225, title I, § 103(a)(2)(A), 86 Stat. 4; Sept. 13, 1982, Pub. L. 97-259, title I, § 117, 96 Stat. 1095.)

47 U.S.C. § 315. Candidates for Public Office.

(a) *Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities.*
If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided,* That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—
(1) bona fide newscast,
(2) bona fide news interview,
(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) *Broadcast media rates.*

The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(2) at any other time, the charges made for comparable use of such station by other users thereof.

(c) *Definitions.*

For purposes of this section—

(1) the term "broadcasting station" includes a community antenna television system; and

(2) the terms "licensee" and "station licensee" when used with respect to a community antenna television system mean the operator of such system.

(d) *Rules and regulations.*

The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

(June 19, 1934, ch. 652, title III, § 315, 48 Stat. 1088; July 16, 1952, ch. 879, § 11, 66 Stat. 717; Pub. L. 86-274, § 1, Sept. 14, 1959, 73 Stat. 557; Pub. L. 92-225, title I, § 103(a)(1), (2)(B), 104(c), Feb. 7, 1972, 86 Stat. 4, 7; Pub. L. 93-443, title IV, § 402, Oct. 15, 1974, 88 Stat. 1291.)

PART II. NOMINATION OF THE PRESIDENT AND VICE PRESIDENT

A. Background of the National Nominating Conventions, Presidential Primaries, and the Selection of Delegates

The United States Constitution does not authorize the establishment of political parties, and it does not prohibit their establishment. The Founding Fathers did not have a favorable attitude toward political parties and even saw them as possible threats to state government.[1] When the new government was being formed, two competing parties developed, one of which favored the adoption of the Constitution and the other of which was against the adoption of the Constitution. The Federalist Party favored a strong central government and was comprised of merchants, shippers, and financiers, among others. The other party was comprised of members who were anti-federalist who opposed a strong central government and sought to preserve the sovereignty of the states.[2]

The Constitution does not provide for any formal nominating procedures for candidates for President and Vice President outside of those provisions relating to the Electoral College.[3] With the advent of political parties, the inadequacies of the Electoral College system of electing a President and Vice President became manifested especially in regard to the nominating process.[4]

In the first presidential election in 1789, there were no formal nominations, and the Electoral College method for choosing a President and Vice President was used. In the presidential election of 1792, there was no attempt to challenge President Washington, but a political party by the name of the Democratic-Republicans unsuccessfully presented a challenge to Vice President Adams.[5] The presidential election of 1796 was the first time that the congressional caucus was used as a nominating method. The congressional caucus system was used for nominating presidential candidates since there was a need for limiting the number of party candidates and for unifying the elections of a political party.[6] The caucus system of nominating presidential candidates had some serious limitations: (1) the nominating process did not include non-congressional persons; (2) state influence was limited according to the number of its congressmen and even to the party affiliations of the congressmen; and (3) Congress was a dominant force in presidential matters since the President would likely be more responsive to the Congressmen who nominated him than to the people.[7]

---

[1] *National Party Conventions 1831-1976, Congressional Quarterly.* Sept. 1979, p. 1.

[2] *Ibid.*

[3] W. Crotty. *Presidential Nominating Procedures, History of Presidential Nomination Practices,* v. 1, p. xiv, National Municipal League (1974).

[4] *Ibid.*

[5] *National Party Conventions, supra* at p. 2.

Later state-based legislative systems of nominating Presidents which were used in the 1828 presidential election of Andrew Jackson eventually eliminated the congressional caucus method of nomination. By 1840 the major political parties began holding national conventions with delegates selected from the various states to nominate their candidates for President and Vice President. The national conventions provided for broader electoral participation in the presidential nominating process than the congressional caucus or state-based legislative systems. However, even the national conventions had their drawbacks. The delegate selection procedures varied from state to state; state party bosses and political machines often controlled the selection of delegates to the national nominating conventions.[8]

In 1968, the major political parties began to reform and democratize the delegate selection procedures to provide for greater participation by all voters affiliated with them, including such groups as blacks, youth, women, and minorities. In the Democratic Party, the McGovern-Fraser Commission was established and was mandated to draft a delegate plan that would be an "open" system of delegate selection that would insure every Democrat "a full, meaningful and timely" opportunity to participate, beginning with the 1972 Convention. The 1968 Republican National Convention established the Delegates and Organization Committee to make recommendations to achieve the broadest possible participation in the Party's affairs. The 1972 Republican Convention adopted five of the ten recommendations made by the Committee and incorporated them into the 1976 delegate selection rules. In both the Democratic and Republican parties, the state parties still exercise much power in the delegate selection procedures; however, the impetus that has been taken by the national parties for broader participation has provided for more due process in the selection and seating of national nominating convention delegates.[9]

In October, 1975, the Democratic National Committee (DNC) established a committee to study the problem of the presidential primaries and to review delegate selection rules of the Democratic Party.[10] The Commission was chaired by Michigan State Chairman, Morley Winograd, and it became known as the Winograd Commission. It was composed of fifty-eight members. Among some of the major recommendations were the following: (1) shortening the delegate selection period from six months to three months (from the second Tuesday in March to the second Tuesday in June); (2) increasing the size of State delegations by ten percent to accommodate state party and elected officials; and (3) limiting participation in the delegate selection process to Democrats only by disallowing open, cross-over primaries whereby voters could participate in the Democratic delegate selection process without declaring their party affiliation.[11]

---

[6] W. Crotty, *supra* at p. xiv.
[7] *Ibid.*
[8] *Id.*, xv. See also E. McChesney Sait. *American Parties and Elections*, pp. 316–319, D. Appleton-Century Co. (New York, 1939).
[9] W. Crotty, *supra* at pp. xvii–xix.
[10] *National Party Conventions, supra,* at pp. 10–11.

In 1982, the DNC established another commission to review the delegate selection process to the Democratic national nominating convention. The commission has become known as the Hunt Commission, named after its chairman, North Carolina Governor, James B. Hunt, Jr. The Hunt Commission made the following recommendations which were substantially adopted by the DNC: (1) shortening the presidential preference primary and caucus season, (2) eliminating the bound delegate rule so as to allow delegates who are pledged to a candidate in all good conscience to reflect the sentiments of these who elected them, and (3) increasing the participation of elected officials, especially Members of Congress.[12]

Part of the reform of the presidential nominating process has centered around presidential preference primaries. In the early part of this century, the movement toward democratization of the presidential nominating process provided the impetus for many States to adopt presidential primaries. The Progressives desired to open up the presidential nominating process through the use of presidential primaries since this would help end the boss-dominated conventions and would aid in the selection of candidates who would be more responsive to the electorate.[13]

In 1904, Florida enacted the first primary law and authorized political parties to choose all or some of their national convention delegates in the primary if they chose to do so. In 1905, the State of Wisconsin adopted a presidential primary that required political parties to choose their national convention delegates in the primary. By 1916, twenty-six States had adopted presidential primary laws. This number dwindled over the next half century so that by 1968, only sixteen States and the District of Columbia had presidential primaries.[14] Between 1968 and 1980, the number of States holding presidential primaries increased to thirty-five. And in 1980, the District of Columbia and Puerto Rico held presidential primaries. In 1988 thirty-five States, the District of Columbia, and Puerto Rico will be holding presidential preference primaries.

Presidential preference primaries may be classified according to four different types of primaries: delegates selection only; advisory presidential preference; binding, winner-take-all presidential preference; and proportional representation presidential preference. In the delegate selection primary, the names of the presidential candidates do not appear separately on the ballot, but rather the names of the delegates appear on the ballot listed individually or by slate and usually identified by presidential preference. In an advisory presidential preference primary, the vote for the presidential candidate is generally advisory only and is used for the sole purpose of securing an expression of sentiment and will of party voters as preferring a certain presidential candidate. In a binding, winner-take-all presidential preference primary, the results of the presidential preference primary generally bind the delegation to the national convention to the primary winner. Also a "loophole" primary is a primary that provides for winner-take-all by congressional district. In a proportional representation presidential preference primary, the results of the primary are used to allocate national convention delegates to presidential candidates based on the proportion of the vote they receive.[15]

---

[11] *Id.*, 11-12.

[12] *Hunt Commission Reports, Boosts "Insider" Influence, Campaign Practices Reports,* Feb. 1, 1982, p. 4. See also, M. Malbin, *The Democratic Party's Rules Changes—Will They Help Or Hurt It? National Journal,* Jan. 23, 1982. pp. 139, 165.

[13] W. Crotty, *supra* at xvi.

[14] *Id.*, xvi-xvii.

The type of presidential preference primary may be determined by the primary election laws of the particular state or it may be determined by the party rules of each political party if the election laws so provide. In many states, the Democrats and the Republicans hold different types of presidential preference primaries in the selection of delegates to their respective national nominating conventions. Presidential primaries are as varied as delegate selection procedures due to differences in state statutes, party constitutions, party rules and regulations, party by-laws, and delegate selection plans.

The majority of the states elect all or part of their national nominating convention delegates by state and congressional district conventions. In many states, the convention process of selecting delegates begins with local precinct caucuses which are held to select delegates to county conventions or district conventions. In turn, county conventions or district conventions select delegates to congressional district conventions and to the state convention. And the delegates to the national nominating conventions are then selected by the congressional district conventions and the state convention according to state statutes and state party rules. This delegate selection process varies from state to state due to differences in state party rules, state statutes, and the national party rules governing the selection of delegates; accordingly, these rules and statutes should be examined in order to determine the exact manner of selecting such delegates in any particular state.[16]

---

[15] *Id.*, xx-xxiii. The classifications of presidential primary states have also been described as six types: (1) no direct presidential preference poll; binding delegate selection primary; (2) advisory presidential preference poll; separate delegate selection primary; (3) binding "winner-take-all" presidential preference poll; separate delegate selection primary; (4) binding "proportional" presidential preference poll; separate delegate selection primary; (5) binding "proportionate" presidential preference poll; no delegate selection primary; and (6) advisory (with option for binding) presidential preference poll; district delegate selection primary. *Ibid.*

The selection delegates to the national nominating conventions differs from state to state with little uniformity. However, for the 1988 presidential election year, a significant movement toward some medium of uniformity has taken place in the form of a southern regional presidential preference primary. Fourteen southern and border states will hold some form of presidential preference primary on March 8, 1988. Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, and Virginia. Other states holding a presidential primary on March 8, 1988 are Massachusetts and Rhode Island. And party caucuses will be held on this date in American Samoa, Hawaii, Idaho, Nevada, and Washington. This primary and caucus date has become popularly known as Super Tuesday.

---

[16] See Part III relating to a fifty-State survey of State laws and party rules concerning the selection of delegates to the national nominating conventions.

B. Significant Court Decisions Affecting Delegate Selection Procedures and the Convention System

Political parties have traditionally enjoyed great freedom in their efforts to advance their political goals because of their right of association under the First Amendment. As stated by the Supreme Court in the case of *NAACP* v. *Alabama ex rel. Patterson,* 357 U.S. 449 (1958):

> It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the "liberty" assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious, or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." (*id.,* pp. 460-461).

However, in recent years a conflict has developed between this freedom as it relates to the freedom of each individual to participate equally in the political process. This situation was summarized by the Third Circuit Court of Appeals in the case of *Redfearn* v. *Delaware Republican State Committee,* 502 F.2d 1123 (C.A. 3, 1971):

> This appeal involves, but unfortunately does not resolve, the conflict between two constitutionally protected interests; the right of freedom of association for the achievement of desired political ends—protected by the first amendment—and the right to have one's vote in an election for public office given equal weight with that of other voters—protected by the equal protection clause of the fourteenth amendment (*id.,* p. 1125).

Thus, there have been several challenges to party rules by those claiming that delegate apportionment guidelines in various situations violate the "one person, one vote" equal protection standard established by the Supreme Court in *Baker* v. *Carr,* 369 U.S. 186 (1962).

The District of Columbia Court of Appeals in two decisions handed down in 1971 decided that the particular nature and goals of a political party were such as to make permissible some deviation from the one person, one vote standard: *Georgia* v. *National Democratic Party,* 447 F.2d 1271 (C.A.D.C. 1971), *cert. den.* 404 U.S. 858 (1971); *Bode* v. *National Democratic Party,* 452 F.2d 1302 (C.A.D.C. 1971), *cert. den.* 404 U.S. 1019 (1971). The same conclusion was reached in *Ripon Society* v. *National Republican Party,* 525 F.2d 567 (D.C. Cir. 1975), *cert. den.* 424 U.S. 933 (1976).

The Ripon Society, an organization associated with the National Republican Party, and party members from several States who claimed to be underrepresented under the formula for apportionment of delegates to the 1976 Republican National Convention brought suit challenging this formula. The challenge was primarily directed to that part of the formula which apportioned 607 delegates, representing 27 percent of the total of approximately 2,242 delegates to the Convention, on the basis of a Republican vote in the 1972 Presidential election and on the basis of Republican victories in the 1972 and 1974 senatorial, gubernatorial, and congressional elections. It was claimed that this formula unfairly discriminated against party members residing in States which had not fashioned such Republican victories, denying them their constitutional right of equal representation under the "one-person, one-vote" doctrine enunciated by the courts.

The District Court found that the use of the uniform victory bonuses was improper and enjoined their use in the apportionment of delegates to the 1976 convention. *Ripon Sec. Inc.* v. *National Republican Party,* 364 F. Supp. (D.D.C. 1974), rev. 525 F.2d 567 (1975). However, on a rehearing en banc, the Court of Appeals reversed their earlier decision and ruled in favor of the proposed allocation formula.

The plaintiffs had claimed that the one-person, one-vote doctrine requires that convention delegates be apportioned either on the basis of the population of the States, or on the basis of the Republican vote in each State in one or more past elections. In discussing this convention, the Court first noted that the doctrine had been held not to apply to certain other instances involving the electoral process, for example, in the election of State judges (*Wells* v. *Edwards,* 347 F. Supp. 453 (M.D. La. 1972)) or in State constitutional conventions (*Driskell* v. *Edwards,* 374 Supp. 1 (W.D. La.), *vacated,* 419 U.S. 812 (1974)); *West* v. *Carr,* 212 Tenn. 367, 370 S.W. 2d 469, 474 (1963), *cert. den.* 378 U.S. 557 (1964)). In *Salyer Land Co.* v. *Tulare Lake Water Storage District,* 410 U.S. 719 (1973), the Supreme Court permitted the directors of a water storage district to be elected by agricultural land owners only, with the latter's votes being weighted according to the valuation of their lands, stating that the one-person, one-vote doctrine does not apply to certain "special purposes" assemblies whose decisions "disproportionately affect different groups" (*id.,* p. 727). After reviewing all pertinent precedents, the *Ripon* Court concluded

> The Supreme Court inquiry into these matters has led it to the conclusions that where the assembly exercises formal governmental powers one person, one vote is ordinarily required. A similar inquiry in other contexts may well reveal that the public and private interests in making decisions through some other scheme of representation outweigh the interests served by numerically equal apportionment (Opinion of the Court, p. 32).

With regard to the special purpose of the Republican National Convention, the Court cited its earlier language in the *Bode* case, *supra,* where it had stated

> [T]he primary function of a national party convention . . . is to select among a field of available persons Presidential and Vice-Presidential candidates most competent to perform the duties of office, *yet capable of attracting a sufficient number of popular votes to carry the requisite number of States in the election* (452 F. 2d 1302, 1309) (emphasis added by the Court) (p. 53 of the Opinion of the Court).

The Court then concluded that, under the Electoral College system, there is justification for a party to concentrate on States with sizable numbers of electoral votes. A party is also justified in focusing its attention on States where it has a chance of victory, which chance might be considered greater in States which have voted for the party or elected its candidates in the past. The system of victory bonuses also provides a reward and incentive for the efforts of a State's party organization, one of the few which it can offer. The Court analogized this practice to that of awarding *ex officio* delegate status to party officials or public office holders, presumably because of their special wisdom and expertise in this area.

The Court analyzed each provision of the allocation formula to determine if it rationally advanced the legitimate interest of the party in winning elections or otherwise achieving its political goals, and in each instance concluded that it did. The case was remanded to the District Court with directions to dismiss the complaint.

In recent years questions have also arisen as to the power of the individual States to legislate with regard to delegate selection procedures. This question now appears to have been answered by the Supreme Court's decision in *Cousins* v. *Wigoda,* 419 U.S. 477, decided on Janaury 15, 1975, which in sweeping language held that, "The States themselves have no constitutionally mandated role in the great task of the selection of Presidential and Vice-Presidential candidates" (*id.,* pp. 489–490). Under this ruling, party rules would preempt and supersede State laws governing selection and apportionment of party delegates in case of any conflict.

This case arose when, on March 21, 1972, pursuant to Chapter 46, §§ 7-1 *et seq.* of the Illinois Code, Illinois voters elected their State's delegation to the 1972 Democratic National Convention. The petitioners ("Cousins delegates") challenged the seating of 59 of these delegates from the Chicago districts ("Wigoda delegates") before the National Democratic Party's Credentials Committee, claiming that the composition of this group violated various guidelines which had been promulgated by the party and included in the call of the convention. The party's hearing officer found violations of party guidelines covering minority group participation, women and youth participation, existence of party rules, adequate notice of party affairs, timing of party affairs, and slate making. The Credentials Committee then adopted the hearing officer's recommendation that the Wigoda delegates be unseated and the Cousins delegates (who had been chosen in June at private caucuses and some of whom had been unsuccessful in the March primary) be seated in their place.

Two days before the convention opened, the Wigoda delegates obtained an injunction from the Circuit Court of Cook County which enjoined the Cousins delegates from participating in the convention. However, after the convention adopted the Credential Committee's recommendation to seat the Cousins delegates, they took their seats and participated fully in the convention's proceedings. This resulted in action to adjudge the Cousins delegates in contempt of the injunction, which action was stayed pending the Supreme Court's decision.

The Illinois Appellate Court affirmed the injunction, 14 Ill. App. 3d 460, 302 N.E. 2d 614 (1973), holding that the State of Illinois had the power to regulate its primary elections as was done in this instance and stating that the Democratic Party had a legal duty to carry out the mandate of the electorate by seating the Wigoda delegates (*id.,* p. at 628). The Supreme Court of Illinois, without opinion, denied leave to appeal (*Wigoda* v. *Cousins,* Ill. Sup. Ct., November 29, 1973). The Supreme Court granted certiorari (415 U.S. 956 (1974)) "to decide the important question presented whether the Appellate Court was correct in according primacy to State law over the national political party's rules in the determination of the qualifications and eligibility of delegates to the party's national convention" (419 U.S. 477, 483). The Court stressed that this was the *only* question decided (*ibid.,* fn. 4).

The Court first disposed of a preliminary question which had arisen in the course of a lengthy series of legal maneuverings in which each side attempted to gain judicial affirmance of its right to be seated. At one point the Supreme Court had stayed the judgment of the Illinois Court of Appeals, which had affirmed a District Court order enjoining the Cousins delegates from participating in the Convention. In a *per curiam* opinion (*Keane* v. *National Democratic Party,* decided with its companion case *O'Brien* v. *Brown,* 409 U.S. 1 (1972)), the Supreme Court had noted "the large public interest in allowing the political processes to function free from judicial supervision" (*ibid.,* p. 5). The Cousins delegates, who had retained their seats as a result of this ruling, now claimed this opinion established the right of the Democratic National Convention to decide the credentials case. However, the Court noted that its order had done nothing but stay the judgment of the Court of Appeals without commenting on the particular issues involved. The Court also ruled that the Cousins delegates had not properly pleaded and proved a *res judicata* argument that the Court of Appeals judgment did not permit collateral attack in the Illinois State courts.

On the major question, the Court then ruled that "Illinois' interest in protecting the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the National Party Conventions" (419 U.S. 477, 491). It adopted language from *O'Brien* v. *Brown, supra,* to conclude that this was a case where ". . . the convention itselt [was] the proper forum for determining intraparty disputes as to which delegates [should] be seated" (419 U.S. 477, 491).

The Court reached its conclusion by noting that delegates to national conventions "perform a task of supreme importance to every citizen of the Nation regardless of their state of residence" (*ibid.,* p. 490). It noted with approval the language of the District Court in stating that if the qualifications and eligibility of delegates to national political party conventions were left to the individual States to control, ". . . each of the 50 states could establish the qualifications of its delegates to the various party conventions without regard to party policy, an obviously intolerable result" (*Wigoda* v. *Cousins,* 342 F. Supp. 82, 86 (1972)) (419 U.S. 477, 490). "The Convention serves the pervasive national interest in the selection of candidates for national office, and this national interest is greater than any interest of an individual State" (*ibid.,* p. 490).

As a preliminary step, the Court affirmed the fundamental constitutional right of free political association, citing the ruling in *Kusper* v. *Pontikes,* 414 U.S. 51, at 56–57 (1957), that "[T]he right to associate with the political party of one's choice is an integral part of the basic constitutional freedom" of association granted under the First and Fourteenth Amendments (419 U.S. 477, 487). The Illinois Appellate Court, while recognizing this right, had held the State's interest in the protection of votes legally cast at the primary election to be controlling.

Justice Brennan wrote the majority opinion. Justice Rehnquist, joined by the Chief Justice and Justice Stewart, concurred in the result, but found the language stating that the national convention "serves the pervasive national interest in the selection of candidates for national office . . . unnecessarily broad and vague" (*id.,* p. 495). These justices found fault with the flat opinion by the majority: "The States themselves have no constitutionally mandated role in the great task of the selection of Presidential and Vice-Presidential candidates" (*id.,* pp. 489–490); they felt rather that the State's legitimate interest in the electoral process was not sufficient to authorize an injunction "flatly prohibiting [the Cousins delegates] from asserting before the Democratic National Convention their claim to be seated as delegates" (*id.,* p. 496) and hence joined in the result.

Justice Powell was the lone dissenter. Although he agreed that the Democratic National Convention could not be compelled to seat the Wigoda delegates, he felt that the Illinois court did have the power to enjoin the Cousins delegates from sitting as delegates. Although he noted that the national convention could seat whomever it pleased, he believed the State of Illinois had a legitimate interest in protecting its citizens from being represented by delegates who had been rejected by them in a democratic election (*id.,* pp. 496–7).

The language employed by the majority in this decision further erodes State powers to regulate elections, stating that States have no constitutional mandate to become involved in the selection of delegates to national political conventions. Thus national conventions in 1984 will have broad authority to determine under party rules which delegates will be eligible to participate, regardless of the laws of the States which they wish to represent or the results of any State primary elections ostensibly held to elect them.

As noted above, the Court stressed in its opinion that its decision did not resolve any related constitutional questions (*id.,* p. 483). It specifically listed the following three areas as excluded from the scope of the decisions:

"(1) whether the decisions of a national political party in the area of delegate selection constitute State or governmental action, and, if so, whether or to what extent principles of the political question doctrine counsel against judicial intervention . . .

"(2) whether national political parties are subject to the principles of the reapportionment decisions, or other constitutional restraints, in their methods of delegate selection and allocation . . . [the point involved in *Ripon* and related cases, *supra*]

"(3) whether or to what extent national political parties and their nominating conventions are regulable by, or only by, Congress . . ." (*id.*, pp. 483–4).

It is likely the Supreme Court will consider various aspects of these and other questions when pertinent cases arise. However, at this stage it is the responsibility of the political parties themselves to develop rules and procedures which encourage fair and full participation in the political process by all of their members.

A legislature may not select delegates to a national party convention, but it has the right to prescribe procedures to be followed in the selection of delegates, provided it does not intrude unconstitutionally on the right of association of the political parties. And the system adopted by a political party of a State must be designed to take into account the results of the presidential preference portion of the ballot at the presidential primary. *Sears* v. *Secretary of the Commonwealth,* 341 N.E. 2d 264, 270 (Mass. Sup. Jud. Ct. 1975).

The rules of a national political party are entitled to the greatest, if not paramount, weight in determining eligibility to serve as delegate to a national party convention. *Friedman* v. *Cuomo,* 346 N.E. 2d 799, 802–803 (Ct. App. N.Y. 1976).

Another Supreme Court decision in 1981 reiterated these same principles. In *Democratic Party of the United States* v. *Wisconsin ex rel. La Follette,* 450 U.S. 107, 121–122 (1981), a national political party's refusal to seat State delegates who were elected in an open primary in a procedure that was violative of the national party's rules, was held to be permissible. For the 1980 Democratic National Nominating Convention, the Charter of the Democratic Party provided that the delegates to the convention be chosen through procedures in which only members of the party can participate, and the delegate selection rules provided that only those who wished to affiliate publicly with the Democratic Party may participate in the selection of delegates to the national convention. (*Id.,* 109–112.) The election laws of the State of Wisconsin provided for an open primary which allowed voters to vote in a party presidential primary without regard to party affiliation and without requiring a public declaration of party preference. According to the election laws, the delegates from Wisconsin to a national convention must vote at the convention in accord with the result of the open presidential primary election. [Wis. Stat., title II, chs. 5–12, §§ 5.37(4), 5.60(8), 8.12(3) (1977).] The Democratic National Party indicated that the delegates who were bound to vote according to the results of the open primary, would not be seated at the national convention. A suit was brought in the Supreme Court of the State of Wisconsin which held that the open primary system of selecting delegates to the national conventions was constitutional and binding upon the Democratic National Party and that the State's delegates could not be disqualified from being seated at the national nominating convention.

On appeal to the United States Supreme Court, the decision by the Wisconsin Supreme Court was reversed. The Supreme Court held that Wisconsin could not constitutionally require that its delegates be seated at a national party's national nominating convention (450 U.S. at 126). The Court concluded that a national party and its members have a constitutionally protected right of political association under the first amendment for the purpose of advancing shared beliefs which is protected by the fourteenth amendment from any infringement by a State. The freedom to associate with others for the common advancement of political beliefs and ideas by membership in a political party is a form of activity that is protected by the first and fourteenth amendments of the Constitution. And any interference with the freedom of a political party is simultaneously an interference with the freedom of its adherents (450 U.S. at 121–122). And States do not have a constitutionally mandated role in regulating and governing the task of the national conventions to nominate presidential and vice presidential candidates. And, in determining the qualifications and eligibility of delegates to the national conventions of political parties, no primacy is to be accorded to a State's election laws over a national party's rules. (See, *Cousins* v. *Wigoda,* 419 U.S. 477, 489, 491 (1975).) Consequently, a State cannot constitutionally compel a national party to seat a delegation to its national nominating convention that is chosen in a way that violates the rules of the national party. And State interests in preserving the overall integrity of the electoral process in providing secrecy of the ballot, in increasing voter participation, and in preventing harassment of voters do not justify a State's intrusion into the associated freedom of members of national political parties (450 U.S. at 121, 125, n. 29, 126).

C. FEC Regulations on Delegates and Delegate Committees (published Sept. 22, 1987, 52 *Fed. Reg.* 35530, effective date Nov. 20, 1987; see 11 CFR § 110.14, as amended.)

11 CFR Parts 100 and 110

52 *Fed. Reg.* 35530 (9/22/87)

Contributions to and Expenditures by Delegates to National Nominating Conventions

AGENCY

Federal Election Commission.

ACTION

Final rule; transmittal of regulations to Congress.

SUMMARY

The Commission has revised its regulations at 11 CFR 110.14 governing the role of delegates and delegate committees in the Presidential delegate selection process. These regulations implement the contribution and expenditure limitations applicable to delegates and delegate committees, and set forth the reporting obligations of delegate committees under the Federal Election Campaign Act ["The Act" or "FECA"], 2 U.S.C. 431 *et seq.* The revisions clarify the distinction between the treatment of individual delegates and the treatment of delegate committees under these rules. The amended rules also establish criteria for determining whether delegate committees are affiliated with the campaign committee of the Presidential candidate they support. In addition, the Commission has made several corresponding amendments to 11 CFR 100.5(e), 110.1 and 110.2 to bring those provisions into conformity with the revised delegate selection rules. Further information on these revisions is provided in the supplementary information which follows.

DATES

Further action, including the announcement of an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d).

SUPPLEMENTARY INFORMATION

The Commission is publishing today the final text of revised rules governing the delegate selection process at 11 CFR 110.14. The Commission is also publishing conforming amendments to §§ 100.5, 110.1 and 110.2 to reflect the changes made in the delegate selection regulations.

On March 4, 1987, the Commission issued a Notice of Proposed Rulemaking seeking comments on proposed revisions to these regulations. 52 FR 6580. Three comments were received in response to the Notice. A public hearing was scheduled for April 22, 1987, but was subsequently cancelled because no requests to testify were received.

Section 438(d) of Title 2, United States Code, requires that any rule or regulation prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on September 17, 1987.

Explanation and Justification

The Notice of Proposed Rulemaking raised several questions concerning the role of draft committees and multicandidate committees closely associated with potential Presidential candidates in the delegate selection process, but did not put forward draft language to resolve the issues presented. One comment addressed these areas. The Commission also raised the same questions concerning multicandidate committees in a separate rulemaking regarding affiliation between political committees. See 51 FR 27183 [July 30, 1986]. The Commission has concluded that it is more appropriate to address the multicandidate committee questions in the affiliation regulations rather than in the delegate regulations. Similarly, the Commission has decided that it would be better to address the draft committee issues in a separate rulemaking project at a later date. Consequently, the revised delegate selection regulations do not specifically cover these areas.

Section 110.14 Contributions to and expenditures by delegates and delegate committees.

Section 110.14 of the Commission's regulations establishes guidelines for delegates and delegate committees as to the impact of the FECA on a range of activities they may wish to undertake in the process of selecting delegates to a national nominating convention. Under § 110.14, funds received and spent for delegate selection activities are contributions and expenditures made to influence federal elections. This results from the definition of "election," which includes both a national nominating convention and a primary election held to select delegates to such a convention. 2 U.S.C. 431(1) (B) and (C).

Consequently, only funds permissible under the Act may be used for such activities. However, because delegates are not candidates for federal office under the FECA, individual delegates are not subject to the same limitations on contributions they receive or the same reporting requirements as federal candidates. By contrast, delegate committees that qualify as political committees under 2 U.S.C. 431(4) have the same reporting requirements and are subject to the same contribution limits as other political committees, with certain limited exceptions explained below. The Commission's regulations also contain provisions explaining when certain expenditures by delegates and delegate committees may trigger the limits on contributions to a federal candidate, or may affect a publicly-financed Presidential candidate's spending limits.

A major focus of the revisions to § 110.14 is the reorganization of this section to clarify which provisions apply to individual delegates and which ones apply to delegate committees. Section 110.14 has also been retitled "Contributions to and expenditures by delegates and delegate committees" to reflect this reorganization. The provisions pertaining to contributions made to an individual delegate and expenditures made by that delegate are located in new paragraphs (d), (e) and (f). The corresponding provisions that apply to delegate committees are set forth in new paragraphs (g), (h) and (i). The other major change in § 110.14 is the addition of new paragraphs (j) and (k), which provide guidance as to when delegate committees may be deemed to be affiliated with a Presidential candidate's authorized committee or with other delegate committees.

Section 110.14(a) Scope.

This paragraph generally follows the current rule by stating that § 110.14 applies to all levels of the delegate selection process. Although no substantive changes have been made, paragraph (a) was slightly reworded for clarity and designated "Scope."

In response to a question posed in the Notice of Proposed Rulemaking, one commenter urged the Commission to amend this provision to state more precisely what activities are part of the delegate selection process. Given that delegate selection procedures vary from state to state and from party to party, the Commission has concluded that more detailed language would not provide sufficient flexibility to examine individual situations.

Section 110.14(b) Definitions.

There is no change in the definition of "delegate" in paragraph (b)(1).

The definition of "delegate committee" paragraph (b)(2) has been revised to make clear that a delegate committee may not necessarily be a political committee under the Act. Consequently, only delegate committees that qualify as political committees under 11 CFR 100.5 are required to register with the Commission pursuant to Part 102 and file reports of receipts and disbursements in accordance with Part 104.

Section 110.14(c) Funds received and expended; prohibited funds.

Section 110.14(c)(1) contains new language to clarify that funds received or disbursements made for the purpose of furthering the selection of a delegate to a national nominating convention are contributions for expenditures made for the purpose of influencing a federal election. This repesents a continuation of previous Commission policy. *See* Explanation and Justification for 11 CFR 110.14, 45 FR 34865, 34866 (May 23, 1980); AO 1980-5; and AO 1975-12.

This paragraph also sets forth two exceptions to the general rule, following current § 110.14(a) (1) and (2). First, fees paid by a delegate to a State or subordinate State party committee as a condition for ballot access as a delegate are not contributions or expenditures for the purpose of influencing federal elections. Payments made to a State party committee by individuals who seek to qualify for selection as delegates are analogous to payments made by candidates for Federal office as a condition of ballot access that are specifically excluded from the definition of "contribution" and "expenditure." 2 U.S.C. 431(8)(B)(xiii); and 431(9)(B)(x); 11 CFR 100.7(b)(18); and 11 CFR 100.8(b)(19). *See also* AO 1980-5. The second category of payments that are exempted are administrative expenses incurred by a State or subordinate State party committee in connection with the sponsoring of conventions or caucuses during which delegates to a national nominating convention are selected.

Paragraph (c)(2) follows current § 110.14(f) by requiring that all funds received and disbursements made for the purpose of furthering a delegate's selection to a national nominating convention, including payments required as a condition of ballot access and administrative expenses incurred by a State or subordinate State committee, be made from funds permissible under the Act. The Commission received one comment strongly supporting the permissible funds requirement.

Section 110.14(d) Contributions to a delegate.

This paragraph generally follows current § 110.14(c) in explaining the application of the contribution limits to contributions made to individual delegates. Although no substantive changes have been made, this paragraph has been reorganized for clarity. Contributions to delegates are not subject to the limits on contributions to candidates or political committees set forth at 11 CFR 110.1 and 110.2 because delegates do not come within the definition of "candidate" in the Act, 2 U.S.C. 431(2). However, contributions from an individual to a delegate are subject to that individual's $25,000 annual limit on contributions because the aggregate annual limit applies generally to all contributions made for the purpose of influencing a federal election.

The Commission received one comment on this section, which supported the requirement that contributions to delegates count against the individual contributor's $25,000 annual contribution limit. The commenting organization also urged the Commission to revise the regulations in certain respects. It suggested treating authorized and committed delegates as agents of the Presidential candidate's principal campaign committee, and counting contributions to and expenditures by such delegates against the committee's contribution limits. Alternatively, the commenter proposed counting such contributions and expenditures against the candidate's limits only in the event that the individual delegate is directly or indirectly financed by the Presidential candidate or the campaign committee. The Commission does not believe that such a substantial change in the regulations is necessary. If there is evidence in a particular case demonstrating that an individual delegate is in fact serving as an agent of a Presidential campaign committee or of a delegate committee, the Commission's regulations allow for the attribution of the delegate's contributions and expenditures to the committee. The new provisions on affiliation of delegate committees also resolve some of the commenter's concerns.

Section 110.14(e) Expenditures by a delegate to advocate only his or her selection.

New paragraph (e) follows current § 110.14(d) regarding expenditures by delegates to advocate only their own selection. This provision has been reorganized for clarity, but contains no substantive changes.

Section 110.14(f) Expenditures by a delegate referring to a candidate for public office.

New § 110.14(f) governs delegate expenditures for communications which advocate the delegate's selection and which also include information on or reference to a candidate for public office, including a Presidential candidate. The new provisions concerning such "dual purpose" expenditures are based on current § 110.14(d)(2), although they have been revised in several respects. First, the "dual purpose" expenditures provisions have been reorganized into two separate paragraphs. New § 110.14(f) governs dual purpose expenditures made by individual delegates, and the corresponding provisions for delegate committees are located in new § 110.14(i). Second, the new regulations apply to references to candidates for any public office, not just references to Presidential candidates. This revision recognizes that delegates and delegate committees may wish to mention federal, state or local candidates in their campaign materials. Although the Commission considered more fundamental changes to these provisions, it decided to continue the overall approach taken in current rules. None of the public comments addressed the possible changes to these regulations put forth by the Commission.

Paragraph (f)(1) generally follows current § 110.14(d)(2)(i) with regard to "dual purpose" expenditures that are made in connection with volunteer activities. Such expenditures are neither contributions subject to the § 110.1 contribution limits, nor subject to the § 110.8 spending limits for Presidential candidates, provided that two conditions are satisfied. The materials must be used in connection with volunteer activity, and the expenditures cannot be made for general public communications or political advertising. This provision is based on the so-called "coattail" exemption from the definition of contribution in 2 U.S.C. 431(8)(B)(xi). This exemption applies to delegate expenditures because it applies to payments by candidates for public office. Although delegates are not candidates for federal office under the Act, they may be considered candidates for public office. As the Commission has stated previously, this exemption is intended to encourage volunteer activity in the delegate selection process and to permit delegates to campaign as part of a team. Explanation and Justification for 11 CFR 110.14, 45 FR 34865, 34867 (May 23, 1980); *See also* 125 Cong. Rec. H23815 (Sept. 10, 1979) (statement of Rep. Frenzel).

Paragraph (f)(2) governs "dual purpose" expenditures by delegates involving the use of general public political advertising, such as broadcasting, newspaper, magazines, billboards and direct mail. This provision has been slightly revised from current § 110.14(d)(2)(ii) for clarity, but has not been changed substantively. Thus, this paragraph applies the standards established by the FECA at 2 U.S.C. 431 (8) and (17) to determine whether such expenditures by individual delegates are in-kind contributions or independent expenditures for the candidates referred to in the communications. As in-kind contributions, such delegate expenditures are subject to the contribution limits of 11 CFR 110.1 and the Presidential candidate's spending limits under 11 CFR 110.8. Although individual delegates do not have to report making such in-kind contributions, the recipient candidate's committee does incur reporting obligations. On the other hand, if the delegate's expenditures qualify as independent expenditures, they are not subject to limitation in amount, but they must be made and reported in accordance with the requirements of 11 CFR Part 109.

Paragraph (f)(3), which is based upon the provisions of current § 110.14(d)(2)(ii)(A)(*2*), addresses delegate expenditures for the purpose of disseminating, distributing or republishing a candidate's campaign materials. It has been amended in two respects. First, the wording of this provision has been revised to recognize that delegates might wish to republish materials produced by federal candidates other than Presidential candidates. Second, the new language clarifies that such expenditures are inkind contributions subject to the contribution limits and reportable by the federal candidate whose material is used. The new provision follows the current rule by not requiring such expenditures to be charged against a publicly financed Presidential candidate's spending limits unless they were made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of the candidate or his or her campaign committee.

New § 110.14(f)(4) follows current § 110.14(d)(2)(ii)(D) in defining the term "direct mail" for the purposes of the delegate selection regulations.

Section 110.14(g) Contributions made to and by a delegate committee.

New § 110.14(g) follows current § 110.14(d) in applying the contribution limitations and reporting requirements of the Act to contributions made and received by delegate committees. The Commission has reorganized this provision, but has made no substantive revisions. Thus, contributions received from a Presidential candidate's campaign committee will count against that candidate's spending limits under 11 CFR 110.8 if the candidate elects to receive public financing.

Section 110.14(h) Expenditures by a delegate committee to advocate only the selection of one or more delegates.

The Commission has added new § 110.14(h) to the regulations to provide a more complete explanation of how the contribution and expenditure limits apply to delegate committee expenditures that advocate only the selection of one or more delegates. This provision, which generally follows new

§ 110.14(e), states that such expenditures are not considered to be contributions to any candidate, and are not subject to the § 110.1 contribution limits. Similarly, they are not chargeable to the expenditure limits of any Presidential candidate under § 110.8(a). Finally, new paragraph (h) continues the current requirement that delegate committees must report these expenditures in accordance with 11 CFR Part 104.

Section 110.14(i) Expenditures by a delegate committee referring to a candidate for public office.

New § 110.14(i) has been added to the delegate selection regulations to provide an explicit statement concerning expenditures by delegate committees for communications which advocate the selection of one or more delegates and which also include information on or reference to a candidate for public office, including a Presidential candidate. This provision parallels new § 110.14(f), which governs "dual purpose" expenditures made by individual delegates. New paragraph (i) was included in response to questions that were raised during the 1984 Presidential election cycle as to whether the "dual purpose" expenditure provision (current § 110.14(d)(2)) applied only to individual delegates, or to delegate committees as well. *See* MURs 1667 and 1704 (1984). The Commission has previously stated that the "dual purpose" expenditure rules apply to delegates who form political committees. *See* AO 1980-5. Moreover, current paragraph (d)(2) contains parentheticals indicating that delegate committees must report such expenditures. Thus, new § 110.14(i) represents a continuation of the Commission's previous approach with regard to delegate committee expenditures.

New § 110.14(i)(1) generally follows revised § 110.14(f)(1) by explaining when "dual purpose" expenditures by delegate committees made in connection with volunteer activities are not treated as contributions to the federal candidates mentioned. However, delegate committees must report such expenditures, although individual delegates need not do so.

"Dual purpose" expenditures by delegate committees for general public communications or political advertising are covered in new § 110.14(i)(2). This provision generally follows new § 110.14(f)(2) and the current rules in setting forth the conditions under which such "dual purpose" expenditures must be treated as in-kind contributions to or independent expenditures on behalf of the candidates mentioned.

During this rulemaking, the Commission considered alternatives to the current requirement that delegate committee expenditures for general public political advertising be allocated between the delegates and the candidates mentioned. One possibility was to not allow allocation, and to treat the entire expenditure as an in-kind contribution or independent expenditure for the candidate named. The opposite approach would be to eliminate the need for allocation by considering the entire expenditure to be solely for the purpose of influencing the selection of the delegates mentioned. The Commission has decided to reject both of these alternatives, and to reaffirm the current approach requiring allocation. The

FECA establishes standards as to what is considered an in-kind contribution and what is an independent expenditure. 2 U.S.C. 431 (8) and (17). Those standards apply to disbursements by delegate committees in precisely the same way that they apply to disbursements made by other persons and political committees. Consequently, the Commission's regulations must continue to apply these standards to delegate committees.

The Commission notes that in allocating "dual purpose" expenditures under § 110.14(f)(2), delegate committees should be guided by the general principles set out in the allocation regulations at 11 CFR Part 106. Thus, the amount to be attributed to each delegate or candidate should reflect the benefit reasonably expected to be derived. 11 CFR 106.1(a). This can be based on readily apparent factors such as the number of candidates mentioned and the amount of space or time accorded to each.

Paragraph (i)(3) addresses expenditures by delegate committees to disseminate, distribute or republish a candidate's campaign materials. It follows new § 110.14(f)(3), except that delegate committees must report such expenditures in the same manner as they report other types of expenditures.

New § 110.14(i)(4), which explains what is meant by the term "direct mail," follows new § 110.14(f)(4).

Section 110.14(j) Affiliation of a delegate committee with a Presidential candidate's authorized committee.

The Commission has added new § 110.14(j) to provide guidance as to when a delegate committee will be considered affiliated with the authorized committee of the Presidential candidate it supports. Paragraph (j)(1) states that these two committees are affiliated if they are established, financed, maintained or controlled by the same person, such as the Presidential candidate, or the same group of persons. Paragraph (j)(2) sets forth a list of factors that the Commission may consider in making affiliation determinations. These provisions implement the statutory requirement that, for purposes of the contribution limitations, all political committees established, financed, maintained or controlled by the same person or group of persons be treated as a single political committee. 2 U.S.C. 441a(a)(5).

The Notice of Proposed Rulemaking indicated that questions arose during the 1984 Presidential election cycle concerning possible affiliation between delegate committees and a Presidential candidate's authorized committee. *See* Matters Under Review 1667 and 1704 (1984). Specifically, the Notice sought comment as to when the relationship between two such committees is sufficiently close that they must be treated as affiliated under the Act. The Commission also posed the question as to what circumstances should cause the committees to be considered affiliated *per se,* and what circumstances should raise a presumption of affiliation. Comments were also requested as to the types of interactions that demonstrate common establishment, financing, maintenance or control.

One comment was received on these issues. The commenter took the position that delegate committees and Presidential campaign committees should be affiliated *per se* if any delegate associated with the delegate committee is formally authorized by the Presidential candidate or runs on the ballot as committed to that candidate. The commenting organization advocated a case-by-case approach for delegate committees consisting solely of uncommitted delegates, and submitted a list of proposed factors that it felt are particularly significant in this regard. The commenter urged the Commission to adopt this approach to prevent circumvention of the contribution and expenditure limits.

The Commission has evaluated the affiliation issues in light of the public comment and the Commission's previous advisory opinions and compliance matters, particularly MURs 1667 and 1704, and has decided that a *per se* rule would not be advisable. Although a *per se* approach would eliminate the need for extensive and intrusive investigations, one problem is that it would not give the Commission sufficient flexibility to examine these situations on a case-by-case basis. Nevertheless, Presidential campaigns and prospective delegates need guidance as to whether specific actions will jeopardize their nonaffiliated status. Accordingly, the Commission is including in the new rules a set of indicia of affiliation to be applied in examining the relationship between delegate committees and Presidential campaign committees.

The indicia focus on several pertinent factors that the Commission has considered in other situations involving delegate committees. These include: common or overlapping staff; direct and indirect financing of the delegate committee; providing other goods or services, including a mailing list; and directing or organizing the specific campaign activities to be undertaken by the delegate committee. In general, the presence of any particular factor or factors will not automatically result in a finding of affiliation. However, the presence of these factors and the extent to which the committees engage in such activities may be considered by the Commission in making its determination and can increase the likelihood that the committees will be deemed affiliated.

There are several consequences resulting from a finding of affiliation between a delegate committee and a Presidential campaign committee. First, the two affiliated committees share a single contribution limit with regard to all contributions they make or receive. This means that individual contributions to the delegate committee must be aggregated with any contributions made by those individuals to the candidate's campaign committee for that election. Such aggregation serves to further the goal of minimizing "the adverse impact on the statutory scheme caused by political committees that appear to be separate entities pursuing their own ends, but are actually a means for advancing a candidate's campaign." H.R. Rep. No. 94–1057, 94th Cong., 2d Sess. 57–58 (1976). It is also supported by the statutory requirement that "all contributions made by a person, either directly or indirectly, on behalf of a particular candidate . . . shall be treated as contributions from such person to such candidate," 2 U.S.C. 441a(a)(8).

Another consequence of affiliation is that there is no limit on the amount of funds that may be transferred between the two affiliated committees, 11 CFR 102.8(a). The amount transferred from a Presidential candidate's authorized committee to an affiliated delegate committee is not treated as a contribution to that delegate committee or as an expenditure by the Presidential committee.[1] Consequently, the transfer, itself, is not subject to the contribution limits set forth in § 110.1 and § 110.2, and does not trigger the expenditure limits of § 110.8. However, all of the delegate committee's expenditures, including expenditures made from the funds transferred, automatically count against the Presidential candidate's spending limits, as a result of affiliation.

Finally, it is impossible for a delegate committee affiliated with a Presidential campaign committee to make independent expenditures on behalf of the Presidential candidate.

Section 110.14(k) Affiliation between delegate committees.

New § 110.14(k) has been added to the delegate regulations to address affiliation between different delegate committees. It states that the criteria for affiliation set out at 11 CFR 100.5(g) will be applied to determine whether delegate committees are affiliated with each other. Under § 100.5(g)(2), delegate committees are affiliated if they are established, financed, maintained or controlled by the same corporation, labor organization, person or group of persons, including any parent, subsidiary, branch, division, department or local unit thereof. The indicia of affiliation set out at § 100.5(g)(2)(ii) will be used to ascertain whether the delegate committees are commonly established, financed, maintained or controlled.

If the Commission finds that two or more delegate committees are affiliated, the committees will share a single contribution limit for all contributions made or received. This means that they must aggregate contributions received from the same contributor. In addition, the affiliated delegate committees must aggregate the contributions they make to the same candidate or political committee, including any expenditures that qualify as in-kind contributions to such candidate. Finally, affiliated delegate committees must file separate financial disclosure reports under Part 104, and must list affiliated committees on their statements of organizations. *See* 11 CFR 102.2.

Conforming Amendments

In addition to the foregoing revisions to 11 CFR 110.14, several additional amendments have been made to other sections of the Commission's regulations for clarification and to make those sections consistent with the new language of 11 CFR 110.14. The revisions are located in 11 CFR 100.5(e),

---

[1] The disbursement should be reported as a transfer to an affiliated committee and not as a contribution or expenditure. The recipient committee should also report receipt of the transfer. *See* 11 CFR 104.3(a)(2)(v).

110.1 and 110.2. The Commission received no public comments on these changes.

Section 100.5 Political committee.

The definition of "delegate committee" in § 100.5(e)(5) has been revised to follow the definition in new § 110.14(b)(2).

Section 110.1 Contributions by persons other than multicandidate political committees.

New paragraph (m) has been added to § 110.1 to provide that the contribution limits set forth in the section do not apply to contributions made to an individual delegate, but are applicable to contributions given to a delegate committee. The new language is consistent with current § 110.14 (c) and (e) and new § 110.14 (d)(1) and (g)(1), and does not represent a substantive change in this area.

Section 110.2 Contributions by multicandidate political committees.

There are no substantive changes in this section. However, new paragraph (j) has been added to state that the § 110.2 limits on contributions by multicandidate committees do not apply to funds given to an individual delegate, but are applicable to contributions made to a delegate committee. This provision follows new § 110.1(m) and is consistent with both current and new § 110.14.

List of Subjects

11 CFR Part 100

Campaign funds, Elections.

11 CFR Part 110

Campaign funds, Elections, Political candidates, Political committees and parties.

For the reasons set out in the preamble, Subchapter A, Chapter I of Title 11, Code of Federal Regulations is amended as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for Part 100 continues to read as follows:

Authority: 2 U.S.C. 431, 438(a)(8).

2. 11 CFR Part 100 is amended by revising § 100.5(e)(5) to read as follows:

§ 100.5 Political committee (2 U.S.C. 431 (4), (5), (6)).

* * * * * * *

(e) * * *

(5) *Delegate committee.* A delegate committee is a group of persons that receives contributions or makes expenditures for the sole purpose of influencing the selection of one or more delegates to a national nominating convention. The term "delegate committee" includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates. A delegate committee that qualifies as a political committee under 11 CFR 100.5 must register with the Commission pursuant to 11 CFR Part 102 and report its receipts and disbursements in accordance with 11 CFR Part 104. (See definition of "delegates" at 11 CFR 110.14(b)(1).)

* * * * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

3. The authority citation for Part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437(a)(8), 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g, 441h, and 441i.

4. Section 110.1 is amended by adding paragraph (m) to read as follows:

§ 110.1 Contributions by persons other than multicandidate political committees (2 U.S.C. 441a(a)(1)).

* * * * * * *

(m) *Contributions to delegates and delegate committees.* (1) Contributions to delegates for the purpose of furthering their selection under 11 CFR 110.14 are not subject to the limitations of this section.

(2) Contributions to delegate committees under 11 CFR 110.14 are subject to the limitations of this section.

5. Section 110.2 is amended by adding paragraph (j) to read as follows:

§ 110.2 Contributions by multicandidate political committees (2 U.S.C. 441a(a)(2)).

* * * * * * *

(j) *Contributions to delegates and delegate committees.* (1) Contributions to delegates for the purpose of furthering their selection under 11 CFR 110.14 are not subject to the limitations of this section.

(2) Contributions to delegate committees under 11 CFR 110.14 are subject to the limitations of this section.

6. Section 110.14 is revised to read as follows:

§ 110.14 Contributions to and expenditures by delegates and delegate committees.

(a) *Scope.* This section sets forth the prohibitions, limitations and reporting requirements under the Act applicable to all levels of a delegate selection process.

(b) Definitions—(1) *Delegate.* Delegate means an individual who becomes or seeks to become a delegate, as defined by State law or party rule, to a national nominating convention or to a State, district, or local convention, caucus or primary that is held to select delegates to a national nominating convention.

(2) *Delegate committee.* A delegate committee is a group of persons that receives contributions or makes expenditures for the sole purpose of influencing the selection of one or more delegates to a national nominating convention. The term "delegate committee" includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates. A delegate committee that qualifies as a political committee under 11 CFR 100.5 must register with the Commission pursuant to 11 CFR Part 102 and report its receipts and disbursements in accordance with 11 CFR Part 104.

(c) *Funds received and expended; Prohibited funds.* (1) Funds received or disbursements made for the purpose of furthering the selection of a delegate to a national nominating convention are contributions or expenditures for the purpose of influencing a federal election, see 11 CFR 100.2 (c)(3) and (e), except that—

(i) Payments made by an individual to a State committee or subordinate State committee as a condition for ballot access as a delegate are not contributions or expenditures. Such payments are neither required to be reported under 11 CFR Part 104 nor subject to limitation under 11 CFR 110.1; and

(ii) Payments made by a State committee or subordinate State party committee for administrative expenses incurred in connection with sponsoring conventions or caucuses during which delegates to a national nominating convention are selected are not contributions or expenditures. Such payments are neither required to be reported under 11 CFR Part 104 nor subject to limitation under 11 CFR 110.1 and 110.2.

(2) All funds received or disbursements made for the purpose of furthering the selection of a delegate to a national nominating convention, including payments made under paragraphs (c)(1)(i) and (c)(1)(ii) of this section, shall be made from funds permissible under the Act. *See* 11 CFR Parts 110, 114 and 115.

(d) *Contributions to a delegate.* (1) The limitations on contributions to candidates and political committees under 11 CFR 110.1 and 110.2 do not apply to contributions made to a delegate for the purpose of furthering his or her selection; however, such contributions do count against the limitation on contributions made by an individual in a calendar year under 11 CFR 110.5.

(2) Contributions to a delegate made by the authorized committee of a presidential candidate count against the presidential candidate's expenditure limitation under 11 CFR 110.8(a).

(3) A delegate is not required to report contributions received for the purpose of furthering his or her selection.

(e) *Expenditures by delegate to advocate only his or her selection.* (1) Expenditures by a delegate that advocate only his or her selection are neither contributions to a candidate, subject to limitation under 11 CFR 110.1, nor chargeable to the expenditure limits of any Presidential candidate under 11 CFR 110.8(a). Such expenditures may include, but are not limited to: Payments for travel and subsistence during the delegate selection process, including the national nominating convention, and payments for any communications advocating only the delegate's selection.

(2) A delegate is not required to report expenditures made to advocate only his or her selection.

(f) *Expenditures by a delegate referring to a candidate for public office*—(1) *Volunteer activities that do not use public political advertising.* (i) Expenditures by a delegate to defray the costs of certain campaign materials (such as pins, bumper stickers, handbills, brochures, posters and yard signs) that advocate his or her selection and also include information on or reference to a candidate for the office of President or any other public office are neither contributions to the candidate referred to nor subject to limitation under 11CFR 110.1 provided that:

(A) The materials are used in connection with volunteer activities; and

(B) The expenditures are not for costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising.

(ii) Such expenditures are not chargeable to the expenditure limitation of a presidential candidate under 11 CFR 110.8(a).

(iii) A delegate is not required to report expenditures made pursuant to this paragraph.

(2) *Use of public political advertising.* A delegate may make expenditures to defray costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising to advocate his or her selection and also include information on a reference to a candidate for the office of President or any other public office.

(i) Such expenditures are in-kind contributions to a Federal candidate if they are made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, his or her authorized political committee(s), or their agents. *See* 11 CFR 100.7(a)(iii)(A); 2 U.S.C. 441a(a)(7)(B).

(A) The portion of the expenditure allocable to a Federal candidate is subject to the contribution limitations of 11 CFR 110.1.

(B) A Federal candidate's authorized committee must report the portion of the expenditure allocable to the candidate as a contribution pursuant to 11 CFR Part 104.

(C) The portion of the expenditure allocable to a presidential candidate is chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8(a).

(ii) Such expenditures are independent expenditures under 11 CFR Part 109 if they are made for a communication expressly advocating the election or defeat of a clearly identified Federal candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any agent or authorized committee of such candidate.

(A) Such independent expenditures must be made in accordance with the requirements of 11 CFR Part 109.

(B) The delegate shall report the portion of the expenditure allocable to the Federal candidate as an independent expenditure in accordance with 11 CFR 109.2.

(3) *Republication of candidate materials.* Expenditures made to finance the dissemination, distribution or republication, in whole or in part, of any broadcast or materials prepared by a Federal candidate are in-kind contributions to the candidate.

(i) Such expenditures are subject to the contribution limits of 11 CFR 110.1.

(ii) The Federal candidate must report the expenditure as a contribution pursuant to 11 CFR Part 104.

(iii) Such expenditures are not chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8 unless they were made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any agent or authorized committee of such candidate.

(4) For purposes of this paragraph, "direct mail" means any mailing(s) by commercial vendors or any mailing(s) made from lists that were not developed by the delegate.

(g) *Contributions made to and by a delegate committee.* (1) The limitations on contributions to political committees under 11 CFR 110.1 and 110.2 apply to contributions made to and by a delegate committee.

(2) Contributions to a delegate committee count against the limitation on contributions made by an individual in a calendar year under 11 CFR 110.5.

(3) A delegate committee shall report contributions it makes and receives pursuant to 11 CFR Part 104.

(h) *Expenditures by a delegate committee to advocate only the selection of one or more delegates.* (1) Expenditures by a delegate committee that advocate only the selection of one or more delegates are neither contributions to a candidate, subject to limitation under 11 CFR 110.1 nor chargeable to the expenditure limits of any Presidential candidate under 11 CFR 110.8(a). Such expenditures may include but are not limited to: Payments for travel and subsistence during the delegate selection process, including the national nominating convention, and payments for any communications advocating only the selection of one or more delegates.

(2) A delegate committee shall report expenditures made pursuant to this paragraph.

(i) *Expenditures by a delegate committee referring to a candidate for public office*—(1) *Volunteer activities that do not use public political advertising.* (i) Expenditures by a delegate committee to defray the costs of certain campaign materials (such as pins, bumper stickers, handbills, brochures, posters and yard signs) that advocate the selection of a delegate and also include information on or reference to a candidate for the office of President or any other public office are neither contributions to the candidate referred to, nor subject to limitation under 11 CFR 110.1 provided that:

(A) The materials are used in connection with volunteer activities; and

(B) The expenditures are not for costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising.

(ii) Such expenditures are not chargeable to the expenditure limitation of a presidential candidate under 11 CFR 110.8(a).

(iii) A delegate committee shall report expenditures made pursuant to this paragraph.

(2) *Use of public political advertising.* A delegate committee may make expenditures to defray costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising to advocate the selection of one or more delegates and also include information on or reference to a candidate for the office of President or any other public office. If such expenditures are in-kind contributions or independent expenditures under paragraphs (i) or (ii) below, the delegate

committee shall allocate the portion of the expenditures relating to the delegate(s) and candidate(s) referred to in the communications between them and report the portion allocable to each.

(i) Such expenditures are in-kind contributions to a Federal candidate if they are made in cooperation, consultation or concert with or at the request or suggestion of the candidate, his or her authorized political committee(s), or their agents.

(A) The portion of the expenditure allocable to a Federal candidate is subject to the contribution limitations of 11 CFR 110.1. The delegate committee shall report the portion allocable to the Federal candidate as a contribution in-kind.

(B) The Federal candidate's authorized committee shall report the portion of the expenditure allocable to the candidate as a contribution pursuant to 11 CFR Part 104.

(C) The portion of the expenditure allocable to a presidential candidate is chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8(a).

(ii) Such expenditures are independent expenditures under 11 CFR Part 109 if they are made for a communication expressly advocating the election or defeat of a clearly identified Federal candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any agent or authorized committee of such candidate.

(A) Such independent expenditures must be made in accordance with the requirements of 11 CFR Part 109.

(B) The delegate committee shall report the portion of the expenditure allocable to the Federal candidate as an independent expenditure in accordance with 11 CFR 109.2.

(3) *Republication of candidate materials.* Expenditures made to finance the dissemination, distribution or republication, in whole or in part, of any broadcast or materials prepared by a Federal candidate are in-kind contributions to the candidate.

(i) Such expenditures are subject to the contribution limitations of 11 CFR 110.1. The delegate committee shall report the expenditure as a contribution in-kind.

(ii) The Federal candidate's authorized committee shall report the expenditure as a contribution pursuant to 11 CFR Part 104.

(iii) Such expenditures are not chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8 unless they were made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any agent or authorized committee of such candidate.

(4) For purposes of this paragraph, "direct mail" means any mailing(s) by commercial vendors or any mailing(s) made from lists that were not developed by the delegate committee or any participating delegate.

(j) *Affiliation of delegate committees with a Presidential candidate's authorized committee.* (1) For purposes of the contribution limits of 11 CFR 110.1 and 110.2, a delegate committee shall be considered to be affiliated with a Presidential candidate's authorized committee if both such committees are established, financed, maintained or controlled by the same person, such as the Presidential candidate, or the same group of persons.

(2) Factors the Commission may consider in determining whether a delegate committee is affiliated under paragraph (j)(1) of this section with a Presidential candidate's authorized committee may include, but are not limited to:

(i) Whether the Presidential candidate or any other person associated with the Presidential authorized committee played a significant role in the formation of the delegate committee;

(ii) Whether any delegate associated with a delegate committee is or has been a staff member of the Presidential authorized committee;

(iii) Whether the committees have common or overlapping officers or employees;

(iv) Whether the Presidential authorized committee provides funds or goods in a significant amount or on an ongoing basis to the delegate committee, such as through direct or indirect payments for administrative, fundraising, or other costs, but not including the transfer to a committee of its allocated share of proceeds jointly raised pursuant to 11 CFR 102.17 or 9034.8;

(v) Whether the Presidential candidate or any other person associated with the Presidential authorized committee suggested, recommended or arranged for contributions to be made to the delegate committee;

(vi) Similar patterns of contributions received by the committees;

(vii) Whether one committee provides a mailing list to the other committee;

(viii) Whether the Presidential authorized committee or any person associated with that committee provides ongoing administrative support to the other committee;

(ix) Whether the Presidential authorized committee or any person associated with that committee directs or organizes the specific campaign activities of the delegate committee; and

(x) Whether the Presidential authorized committee or any person associated with that committee files statements or reports on behalf of the delegate committee.

(k) *Affiliation between delegate committees.* Delegate committees will be considered to be affiliated with each other if they meet the criteria for affiliation set forth at 11 CFR 100.5(g).

D. Rules of the Democratic Party Relating to the Selection of Delegates to the 1988 National Nominating Convention

FINAL CALL FOR THE 1988 DEMOCRATIC NATIONAL CONVENTION *

By authority of the Democratic National Committee, the National Convention of the Democratic Party is hereby scheduled to convene on July 18, 1988, at the Omni Coliseum in Atlanta, Georgia, at an hour to be announced, to select nominees for the offices of President and Vice President of the United States of America, to adopt and promulgate a platform and to take such other actions with respect to such other matters as the Convention may deem advisable.

I. Distribution of delegate votes

A. Be It Resolved by the Democratic National Committee, acting under the authority of the Charter of the Democratic Party of the United States, that the distribution of votes, delegates and alternates to the 1988 Democratic National Convention shall be in accordance with the following:

(1) The number of Convention votes for delegates to the Convention shall be as set forth in the compilation included in this resolution and determined as provided in paragraphs (2), (3), (4), (5), (6) and (7).

(2) 2,999 delegate votes are distributed among the 50 states and the District of Columbia according to a formula giving equal weight to the sum of the vote for the Democratic candidates in the three most recent presidential elections and to population by electoral vote. The formula is expressed mathematically as follows:

$$A = \frac{1}{2}\left[\frac{(\text{SDV '76} + \text{SDV '80} + \text{SDV '84})}{113{,}889{,}380} + \frac{\text{SEV}}{538}\right]$$

A = Allocation Factor.
SDV = State Democratic Vote.
SEV = State Electoral Vote.

To determine the base delegation for each State and the District of Columbia, the allocation factors as determined by the

---

*All provisions of this Call were adopted by Resolution of the Democratic National Committee on November 23, 1986 and on April 30, 1987.

above formula are multiplied by 3,000. Fractions of .5 and above are rounded up to the next highest integer.

(3) Fifteen percent (15%) of the base delegate votes determined pursuant to paragraphs (2) and (4) shall be added to the number of votes allocated for the purpose of representing pledged Party and Elected Official delegates. For purposes of this paragraph, the number of base delegate votes determined pursuant to paragraph (2) shall be the number determined thereunder after rounding. Fractions of .5 and above resulting from the multiplication required by this paragraph are rounded up to the next highest integer.

(4) Guam, the Virgin Islands and American Samoa will each receive 3 base delegate votes. Democrats Abroad will receive 6 base delegate votes. Puerto Rico will receive 44 base delegate votes.

(5) Unpledged votes shall be allocated to each delegation to accommodate the members of the Democratic National Committee from that State or Territory in which they legally reside. The size of such a member's vote (i.e., whole or fractional) shall be the same size as that which he or she is allowed to cast at meetings of the Democratic National Committee.

(6) Unpledged votes shall be allocated to all former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Majority Leaders of the United States Senate, and all former Democratic Speakers of the United States House of Representatives. Such delegates shall be seated with the State delegations from which they have their voting residences.

(7) Additional unpledged votes shall be added if needed to provide for the Democratic Governor (if any) from that State or Territory and for the Democratic Members of the United States House of Representatives and Democratic United States Senators from that State or Territory (if any) who are duly selected as delegates by the Democratic Caucus of the United States House of Representatives and the Democratic Conference of the United States Senate, respectively.

(8) Each State, the District of Columbia, the Virgin Islands, Guam, Democrats Abroad, American Samoa and Puerto Rico may select a number of alternates equivalent to one alternate for every three Convention votes received by it pursuant to paragraphs (2) and (4). Fractions of .5 and above are rounded up to the next highest integer.

(9) Members of the Democratic National Committee and delegates selected pursuant to paragraphs (6) and (7) will be ineligible to serve as delegates under any other category and may hold no more than one vote. Democratic Governors, Democratic Members of the United States House of Representatives and Democratic United States Senators who are members of the Democratic National Committee shall serve as delegates by virtue of their membership on the National Committee.

DELEGATE ALLOCATION ISSUED WITH FINAL CALL

	Pledged Delegates					Unpledged delegates						
			Allocated base delegates									
	Allocation factor	Total base delegates	District level (75 percent of base)	At-large (25 percent of base)	15 percent add on for party and elected officials	Democratic National Committee member [1]	Members of Congress [2]	Democratic Governors [3]	Distinguished former elected leaders [4]	Total delegate votes [1]	Total alternates	Total delegation size [5]
Alabama	.016475	49	37	12	7	5				61	19	80
Alaska	.00344	10	8	2	2	4		1		17	4	21
Arizona	.01035	31	23	8	5	4				40	12	52
Arkansas	.011	33	25	8	5	4		1		43	13	56
California	.09087	273	205	68	41	22				336	105	446
Colorado	.01307	39	29	10	6	5		1		51	15	66
Connecticut	.01516	45	34	11	7	6		1		59	17	76
Delaware	.00424	13	10	3	2	4				19	5	24
District of Columbia	.00476	14	11	3	2	8				24	5	29
Florida	.03929	118	89	29	18	10				146	45	191
Georgia	.022465	67	50	17	10	7		1	1	86	26	112
Hawaii	.005605	17	13	4	3	4		1		25	7	32
Idaho	.00523	16	12	4	2	4		1		23	6	29
Illinois	.050135	150	113	37	23	14				187	58	245
Indiana	.023005	69	52	17	10	6				85	26	113
Iowa	.01505	45	34	11	7	6				58	17	75
Kansas	.01129	34	26	8	5	4				43	13	56
Kentucky	.016145	48	36	12	7	5				60	18	78
Louisiana	.01817	55	41	14	8	7		1		71	21	92
Maine	.006645	20	15	5	3	4				27	8	35
Maryland	.019275	58	44	14	9	10		1		78	22	100
Massachusetts	.028425	85	64	21	13	10			1	109	33	142
Michigan	.040045	120	90	30	18	13				151	46	197
Minnesota	.022735	68	51	17	10	6		1	1	86	26	112
Mississippi	.01161	35	26	9	5	4		1		45	13	58
Missouri	.02242	67	50	17	10	6				83	26	109
Montana	.005535	17	13	4	2	4		1	1	25	6	31
Nebraska	.007225	22	17	5	3	4				29	8	37
Nevada	.004815	14	11	3	2	4		1		21	5	26
New Hampshire	.00537	16	12	4	2	4				22	6	28
New Jersey	.031785	95	71	24	14	9				118	36	154
New Mexico	.00715	21	16	5	3	4				28	8	36

DELEGATE ALLOCATION ISSUED WITH FINAL CALL—Continued

	Pledged Delegates					Unpledged delegates						
			Allocated base delegates									
	Allocation factor	Total base delegates	District level (75 percent of base)	At-large (25 percent of base)	15 percent add on for party and elected officials	Democratic National Committee member [1]	Members of Congress [2]	Democratic Governors [3]	Distinguished former elected leaders [4]	Total delegate votes [1]	Total alternates	Total delegation size [5]
New York	.07401	222	167	55	33	19		1		275	85	360
North Carolina	.023615	71	53	18	11	7				89	27	116
North Dakota	.004195	13	10	3	2	4		1		20	5	25
Ohio	.045915	138	104	34	21	15				174	53	227
Oklahoma	.01323	40	30	10	6	4			1	51	15	66
Oregon	.01302	39	29	10	6	5		1		51	15	66
Pennsylvania	.051745	155	116	39	23	14		1		193	59	252
Rhode Island	.00645	19	14	5	3	4				26	7	33
South Carolina	.012805	38	29	9	6	4				48	15	63
South Dakota	.0044	13	10	3	2	4				19	5	24
Tennessee	.020415	61	46	15	9	6		1		77	23	100
Texas	.05291	159	119	40	24	15				198	61	259
Utah	.00667	20	15	5	3	4				27	8	35
Vermont	.003925	12	9	3	2	4		1		19	5	24
Virginia	.02152	65	49	16	10	9		1		85	25	110
Washington	.018845	57	43	14	8	6		1		72	22	94
West Virginia	.010545	32	24	8	5	7				44	12	56
Wisconsin	.023475	70	53	17	11	7				88	27	115
Wyoming	.003515	11	8	3	2	4		1		18	4	22
American Samoa		3	[6] 3			1				4	1	11
Democrats Abroad		[6] 6	[6] 5	[6] 1	[6] 1	2				9	2	24
Guam		3	[6] 3			1				4	1	11
Puerto Rico		44	33	11	7	4		1		56	17	77
Virgin Islands		3	[6] 3			1				4	1	11
Unassigned							253			252		253
Totals		3,058	2,303	755	459	362	253	23	5	4,160	1,170	5,371

---

[1] Each member of the Democratic National Committee, as duly certified to the Party Secretary, is a delegate from the state or territory in which he or she legally resides at the time of the 1988 Democratic National Convention. This allocation reflects the current legal residence of all such members, including the officers and those who, pursuant to the Charter of the Democratic Party of the United States, are members by virtue of their status as Party leaders in the U.S. Congress or of their status as representatives or designees of such Party leaders or of other associations and organizations specified in the Charter. Because such members are subject to change, delegate distribution at the Convention may differ from that set forth above. In addition, the add-on for DNC

II. Qualifications of State delegations

A. Notice is hereby given that delegates and alternates to the Democratic National Convention shall be elected in accordance with the Delegate Selection Rules for the 1988 Democratic National Convention adopted by the Democratic National Committee on March 8, 1986, unless subsequently amended. Only delegates and alternates selected under a delegate selection procedure approved by the Compliance Assistance Commission pursuant to the Delegate Selection Rules shall be placed on the temporary roll of the 1988 Democratic National Convention.

B. It is understood that a State Democratic Party, in electing and certifying delegates and alternates to the Democratic National Convention, thereby undertakes to assure all Democratic voters in the State full, timely and equal opportunity to participate in the delegate selection process and in all Party affairs and to implement affirmative action programs toward that end, and that the delegates and alternates to the Convention shall be selected in accordance with the Delegate Selection Rules for the 1988 Democratic National Convention adopted by the Democratic National Committee on March 8, 1986, and that voters in the State will have the opportunity to cast their election ballots for the presidential and vice presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these presidential and vice presidential nominees, under the label and designation of the Democratic Party of the United States, and that the delegates it certifies will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention.

C. It is understood that the delegates to the Democratic National Convention, when certified pursuant to this Call, are bona fide Democrats who have the interests, welfare and success of the Democratic Party of the United States at heart, who subscribe to the substance, intent and principles of the Charter and the By-Laws of the Democratic Party of the United States, and will participate in the Convention in good faith. Therefore no additional assurances shall be required of delegates to the Democratic National Convention in the absence of a credentials contest or challenge.

III. Delegates to be selected no later than June 18, 1988

Notice is hereby given that the Democratic National Committee has adopted the following resolution:

Be it Resolved by the Democratic National Committee that all State parties are required to take all steps necessary and appropriate to complete the process of selecting delegates to the 1988 Democratic National Convention no later than June 18, 1988.

IV. Certification requirements for delegates and alternates

A. Each State's Democratic Chair, or where applicable, the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules, shall certify in writing to the Secretary of the Democratic National Committee the election of his or her State's delegates and alternates to the Democratic National Convention within three (3) days after their election. The State Chair shall certify as delegates members of the Democratic National Committee residing in their State as well as the Democratic Governor, if any, within three days after the completion of the last steps of the delegate selection process, or in no case later than June 21, 1988. In cases where Democratic National Convention delegates are selected in steps, they shall be certified within three (3) days after the completion of each step. Within 24 hours after the selection of Members of Congress to serve as Democratic National Convention delegates, the Chairs of the Democratic Caucus of the United States House of Representatives and the Democratic Conference of the United States Senate shall certify in writing to the Secretary of the Democratic National Committee the names of such members and a written acknowledgement of their agreement to serve.

B. Replacement of a delegate (due to resignation, death or serious illness) by an alternate and replacement of a vacant alternate position shall be certified in writing by the State's Democratic Chair or, where applicable, by the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules, to the Secretary of the Democratic National Committee within three (3) days after the replacement is appointed. Certification of replacements will be accepted by the Secretary up to 48 hours before the first official session of the Convention is scheduled to convene (pursuant to Rule 17 of the Delegate Selection Rules). Members of Congress elected as delegates by the Democratic Caucus of the United States House of Representatives, United States Senators elected as delegates by the Democratic Conference of the United States Senate, members of the Democratic National Committee and Democratic governors shall not be entitled to name a replacement, nor shall the State be entitled to a replacement, except in the case of death of such delegates. Delegates allocated pursuant to I(A)(6) of this Final Call shall not be entitled to name a replacement, nor shall the State be entitled to a replacement.

C. Each delegation shall select one person to serve as Delegation Chair. The State Chair or, where applicable, the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules, shall certify the Delegation Chair and shall certify the person(s) to serve as the delegation page(s) as allocated to the delegation by the Arrangements Committee (see D below). Such certification shall be in writing to the Secretary of the Democratic National Committee within three (3) days after these positions are filled. Each delegation shall select one person to serve as Delegation Chair. The State Chair, or where applicable, the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules shall certify the Delegation Chair. Such certification shall be in writing to the Secretary of the Democratic National Committee within three days after the selection of the Delegation Chair.

D. The Arrangements Committee shall adopt a Resolution on Convention Pages which will determine the allocation and appointment of the official Pages for the 1988 Democratic National Convention. The State Chair, or where applicable, the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules shall certify the person(s) to serve as the Delegation Page(s) as allocated to the delegation by the Arrangements Committee. Such certification shall be in writing to the Secretary of the Democratic National Committee and shall be made at the time the State certifies its permanent Standing Committee members pursuant to Section VII(B)(3) of this Final Call.

E. Each certification required herein will include full name, address and other information as required by the Secretary of the Democratic National Committee.

V. The Arrangements Committee and the 1988 Democratic National Convention Committee, Inc.

The Democratic National Committee, acting under its authority plan, arrange, manage and conduct the Democratic National Convention, provides for the establishment and organization of an Arrangements Committee, and for the establishment of the 1988 Democratic National Committee, Inc. (the "DNCC") for the 1988 Democratic National Convention. In addition to the members of the Arrangements Committee duly elected by the Executive Committee of the Democratic National Committee upon nomination received from the Chair of the Democratic National Committee, each presidential candidate shall be entitled to appoint one non-voting member of the Arrangements Committee. The Chair of the Democratic National Committee and the Chief Executive Officer of the DNCC shall be non-voting members of the Arrangements Committee.

The DNCC shall exercise the authority of the Democratic National Committee and the Democratic National Convention in entering into contracts relating to all business and financial matters connected with the conduct of the 1988 Democratic National Convention. The Arrangements Committee shall, as requested by the Chair of the Democratic National Committee, assist the DNCC in preparing for the conduct of all Convention business.

The DNCC shall make every effort to exercise its authority in accordance with the following stated guidelines.

A. Contractors: The DNCC shall as a policy seek to engage the services of unionized firms, including those owned by minorities and women.

B. Housing: Hotel facilities shall be allocated to eligible States' delegations and to presidential candidates by lot.

C. Delegate and alternate seating in convention hall: The location of each eligible State delegation's seating in the Convention Hall shall be determined by lot. Alternates shall be afforded preferential seating, as close to delegate seating as arrangements will permit. Permanent members of Democratic National Convention Standing Committees who are not already delegates or alternates shall be afforded the next order of seating privileges after alternates.

D. Delegates' and alternates' credentials: The States' delegate and alternate credentials shall be distributed to the

Chairs of the States' delegations. In the case of credential challenges to the seating of any delegates or alternates, methods shall be adopted for assuring that the delegates and alternates certified on the permanent roll receive the credentials to which they are entitled as soon after such certification as possible.

E. Floor access: Floor access shall be given to delegates, alternates replacing delegates, members-elect of the Democratic National Committee as certified by the State's Democratic Chair, the highest ranking Democratic official in each State that does not have a Democratic Governor, Democratic members of the United States Congress and Senate who are not already serving as delegates, such number of representatives of the presidential candidates as may be deemed necessary by the DNCC, and such press personnel and other persons as may be determined by the DNCC to be necessary for the proper functioning of the Convention.

F. Visitors' seating: A contingent of seats for guests and other observers shall be allocated for and be fairly apportioned to the States according to the States' relative delegate strength. Other guest seats shall be allocated to members of the Democratic National Committee and others who have served and supported the work of the national party.

G. Presidential candidates' facilities: The facilities provided for the presidential candidates in the Convention Hall and its immediate environs shall be fairly apportioned so as not to afford an undue advantage to any presidential candidate. The cost of such facilities shall be paid by the presidential candidates.

H. Communications:

(1) Microphones: There shall be one floor microphone for each State delegation which shall be located at the position of the Chair of the State delegation. Each delegate shall have access to the microphone.

(2) Telephones: Adequate provisions shall be made for communication between the floor and the Chair of the Convention so as to advise the Chair of the identity of any delegate seeking recognition to speak and the purpose for which recognition is sought. There shall be installed one such telephone for each State delegation.

(3) General: No communication equipment other than that authorized by these guidelines or by the DNCC shall be permitted on the floor of the Convention.

I. Facilities for news media and press seating: There shall be made available adequate facilities, as close to the Convention floor as conditions permit, for the pencil press, radio, and television, including a limited number of camera positions commanding a full view of the proceedings. The cost of all such facilities need not be borne by the DNCC.

J. Security: Coordination for security within the Convention Hall, premises and surrounding area, shall be under the authority of the DNCC.

K. Financial reports: Financial reports shall be made by the DNCC as required by the Federal Election Commission.

VI. Presidential candidates

The term "presidential candidate" herein shall mean any person who, as determined by the Chair of the Democratic National Committee, has established substantial support for his or her nomination as the Democratic candidate for the Office of the President of the United States, and is a bona fide Democrat whose record of public service, accomplishment, public writings and/or public statements affirmatively demonstrate that he or she has the interests, welfare and success of the Democratic Party of the United States at heart, and will participate in the Convention in good faith.

VII. Standing committees on platform, rules, and credentials of the 1988 Democratic National Convention

The Democratic National Committee, acting under its authority to issue the Call and establish the Standing Committees of the National Convention, hereby creates and organizes the Standing Committees on Platform, Rules, and Credentials of the 1988 Democratic National Convention. The jurisdiction and rules of procedure of each Standing Committee are set forth in this Final Call to the 1988 Democratic National Convention. Each Standing Committee may, by majority vote, adopt additional rules of procedure for the conduct of its business not inconsistent with this Call.

A. Membership: Each Standing Committee shall be composed of:

(1) 161 members, casting 158 votes, allocated to the States and Territories in accordance with the same distribution formula used to allocate delegates to the Democratic National Convention. Such formula results in the following distribution:

(2) 25 members, each casting one (1) vote who shall be Party Leaders and Elected Officials.

STANDING COMMITTEE MEMBERSHIP

State	Number of—		State	Number of—	
	Votes	Members		Votes	Members
AL	2	2	NH	1	1
AK	1	1	NJ	5	5
AZ	2	2	NM	1	1
AR	2	2	NY	11	11
CA	14	14	NC	4	4
CO	2	2	ND	1	1
CT	2	2	OH	7	7
DE	1	1	OK	2	2
DC	1	1	OR	2	2
FL	6	6	PA	8	8
GA	3	3	PR	2	2
HI	1	1	RI	1	1
ID	1	1	SC	2	2
IL	8	8	SD	1	1
IN	3	3	TN	3	3
IA	2	2	TX	8	8
KS	2	2	UT	1	1
KY	2	2	VA	3	3
LA	3	3	VT	1	1
ME	1	1	WA	3	3
MD	3	3	WV	2	2
MA	4	4	WI	4	4
MI	6	6	WY	1	1
MN	3	3	Am. Sam	.25	1
MS	2	2	Dems. Abd	.25	1
MO	3	3	Guam	.25	1
MT	1	1	VI	.25	1
NE	1	1	PL/EO	25	25
NV	1	1	Total	183	186

(3) Members of the Standing Committees need not be delegates or alternates to the Democratic National Convention.

(4) As the Standing Committees are deliberative bodies of the National Convention, proxy voting by Standing Committee members shall not be permitted.

(5) Quorum: A majority of the total votes allocated to a Standing Committee shall constitute a quorum thereof for the purpose of transacting business. Such votes shall be present and represented by the Standing Committee members. Upon a point of order of no quorum, the Chair shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present, except that a motion to adjourn may be offered and voted upon without a quorum present.

(6) As per Article Seven, Section 2(F) of the Bylaws of the Democratic Party of the United States, any subcommittee of the Standing Committees of the National Convention shall be composed only of members of Standing Committees, except that these subcommittees may be chaired by persons other than members of the Committee.

B. Election:

(1) The permanent members of the Standing Committees allocated to the States and Territories shall be elected by each State's National Convention delegates present at a meeting of which adequate notice of time and place shall be given and at which a majority of the State's delegates shall be present. Such meeting shall be held in accordance with procedures submitted to the Compliance Assistance Commission and consistent with this Call. Such meeting shall take place within seven (7) days after the final selection of a State's delegation.

(2) The permanent members of the Standing Committees allocated as Party Leaders and Elected Officials shall be elected by the Executive Committee of the Democratic National Committee during the calendar year of the National Convention upon nomination received from the Chair of the Democratic National Committee, after consultation with State Chairs from those States from which members are contemplated to be nominated.

(3) Each State's Democratic Chair, or the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules, shall certify in writing to the Secretary of the Democratic National Committee his or her State's temporary and permanent Standing Committee members within three (3) days after their election. The Chair of the Democratic National Committee shall certify in writing to the Secretary of the Democratic National Committee the Party Leader and Elected Official Standing Committee members within three (3) days after their election. Certification of each person will include full name, address and other information as required by the Secretary of the Democratic National Committee.

(4) No substitutions will be permitted in the case of permanent members, except in the case of resignation, death or serious illness. Substitutions must be made in accordance with the election procedures specified in VII (B), (C), (D), and (E),

and must be certified in writing to the Secretary of the Democratic National Committee.

C. Presidential preference: The permanent members of the Standing Committees allocated to the States and Territories shall proportionately represent the presidential preference of all candidates receiving the threshold percentage used in the State's delegation to calculate the at-large apportionment pursuant to Rule 12(B) of the Delegate Selection Rules.

The presidential preference percentage of all candidates receiving the applicable percentage or more within the delegation shall be multiplied by the total number of Standing Committee positions allocated to that State or Territorial delegation. If the result of such multiplication does not equal 0.455 or above, the presidential preference in question is not entitled to representation on the Standing Committee. If the result of such multiplication is 0.455 but less than 1.455, the presidential preference in question is entitled to one position. Those preferences securing more than 1.455 but less than 2.455 are entitled to two positions, etc.

Where the application of this formula results in the total allocation exceeding the total number of Committee positions, the presidential candidate whose original figure of representation is farthest from its eventual rounded off total shall be denied that one additional position. Where the application of this formula results in the total allocation falling short of the total number of Committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional Committee position.

Standing Committee positions allocated to a presidential candidate shall be equally divided, to the extent practicable, to each of the three Standing Committees. When such allocation results in an unequal distribution of Standing Committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions.

D. Presidential candidate right of approval: Each presidential candidate shall be given adequate notice of the meeting of the State's delegation authorized to elect Standing Committee members.

Prior to 48 hours before the public meeting of the delegation authorized to select Standing Committee members, each presidential candidate may submit to the State Chair or, where applicable, the Chair of a committee constituted pursuant to Rule 19(C) of the Delegate Selection Rules, a list of approved nominees to Standing Committees equal to three (3) times the number of such members to which that candidate is entitled under the allocation formula stated above. The delegation shall select the Standing Committee members from the presidential candidates' approved lists. In the event such a list of approved members is not submitted by a presidential candidate, the presidential candidate waives his or her right of approval.

E. Division between men and women:

(1) The temporary and permanent membership of the Standing Committees from a State or Territory shall be as equally divided among men and women as possible under the State

allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd, the variance between men and women may not exceed one (1), and the advantaged gender must not remain constant for the three Standing Committees.

(2) The Party Leader and Elected Official membership of the Standing Committees elected by the Executive Committee of the Democratic National Committee shall be divided among men and women so that the variance between men and women does not exceed one (1), and the advantaged gender must not remain constant for the three Standing Committees.

F. Temporary members of standing committees: The States may select temporary members for those Standing Committees positions allocated to them by a procedure which takes place during the calendar year of the Convention and prior to February 1, 1988, at an open, well-publicized meeting of the State party's governing body. The procedures for the selection must be submitted to the CAC for approval. Members selected under this provision serve only in the event that a Standing Committee is called to meet prior to completion of the State's delegate selection process, and no such member may continue to serve after the State's delegate selection process is completed unless he or she is elected as a permanent member pursuant to the provisions of Section B of this Article. Substitutions in a State's lists of temporary members may only be made up to ten (10) days prior to the time the Standing Committee meets.

G. The Permanent Chair of each Standing Committee shall be elected at the first meeting of the permanent members thereof, with nomination of the Chair submitted by the Chair of the Democratic National Committee. Members shall also be privileged to place in nomination and cast their vote for any person for Chair without regard to that person's delegate status or Committee membership. Four Co-Chairs may be elected in the same manner. Individuals who are not otherwise members of the Standing Committees who are elected Chair or Co-Chair thereof shall not have any voting privileges on the Standing Committees.

H. Temporary Chairs of standing committees: The Temporary Chair of each Standing Committee shall be elected by the Executive Committee of the Democratic National Committee upon nomination of the Chair of the Democratic National Committee. Four (4) Temporary Co-Chairs may also be elected in this manner. The Temporary Chair of each Standing Committee shall call and preside over each Committee meeting, prepare an agenda to provide for orderly conduct of the Committee's business, and supervise preparation of such research studies and briefing materials as are required to accomplish the Committee's work. The Temporary Chair and the Temporary Co-Chairs of a Standing Committee shall serve until the Permanent Chair and Co-Chairs are elected pursuant to VII(G).

I. Platform Committee: The Platform Committee shall be responsible for drafting and recommending the Platform of the Democratic Party to the Democratic National Convention.

The Temporary Chair of the Platform Committee shall determine the number, place and time for conducting hearing(s) and/or forum(s) and shall name the presiding panel for each hearing and/or forum. Any person may submit a written statement concerning the Platform to the Platform Committee at any time and may request permission to testify at a hearing and/or forum.

Prior to the first meeting of the Platform Committee, the Chair of the Democratic National Committee shall distribute to the members of the Platform Committee a document outlining the issues to be considered by the Committee.

The Platform Committee shall elect fifteen (15) persons to serve on a Drafting Committee. The Chair of the Democratic National Committee, in consultation with the Temporary Chair of the Platform Committee shall make nominations for membership on the Drafting Committee and the Chair of the Democratic National Committee shall appoint the Chair thereof. In addition, one non-voting member may be appointed by each presidential candidate to serve on the Drafting Committee. The Drafting Committee shall be responsible for the drafting of the report of the Platform Committee under the direction and with the approval of the full Platform Committee.

Upon the request of twenty-five percent (25%) of the members of the Platform Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the Committee's.

Upon the request of twenty-five percent (25%) of the members of the Rules Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the Committee's report. The Committee staff shall assist in the preparation of such report.

The report of the Platform Committee and any minority reports shall be distributed to all delegates and alternates, and to the public as soon as practicable after their adoption.

J. Rules Committee: The Rules Committee shall issue a report to the Democratic National Convention recommending the Permanent Rules of the Convention, the Convention agenda, the permanent officers of the Democratic National Convention, amendments to the Democratic Party of the United States, and resolutions providing for the consideration of any other matter not provided for in the Permanent Rules of the Convention and not contained in the reports of other Standing Committee's.

Upon the request of twenty-five percent (25%) of the members of the Rules Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the Committee's report. The Committee staff shall assist in the preparation of such report.

The report of the Rules Committee and any minority reports shall be distributed to all delegates, alternates, and to the public as soon as practicable after their adoption.

K. Credentials Committee and procedures for challenging delegates or State delegations: The Credentials Committee shall determine and resolve questions concerning the seating of delegates and alternates to the Convention. The Committee shall report to the Convention for final determination and resolution of all such questions.

Challenges to the seating of any delegate or alternate shall be in accordance with procedures set forth in "Rules of Procedure of the Credentials Committee of the 1988 Democratic National Convention" hereby approved and adopted by the Democratic National Committee, and set forth in full in the Appendix to this Call. Any challenge to the seating of a delegate or alternate that is not made in conformity with said "Rules of Procedure of the Credentials Committee of the 1988 Democratic National Convention" shall be deemed waived.

Upon the request of twenty-five percent (25%) of the members of the Credentials Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the Committee's report; provided, however, that no member elected to the Committee by a State delegation may join in such request as to a proposed minority report relating to a credentials challenge to any delegate or alternate from his or her State. The Committee staff shall assist in the preparation of such report.

The report of the Credentials Committee and any minority reports shall be distributed to all delegates, alternates, and the public as soon as practicable after their adoption.

VIII. Procedural rules of the 1988 Democratic National Convention

Be it resolved by the Democratic National Committee that the following Procedural Rules shall serve as the Temporary Rules of Procedure for the 1988 Democratic National Convention and are recommended to the Rules Committee and to the Convention as the Permanent Rules of Procedure for the conduct of the 1988 Democratic National Convention.

A. Temporary Chair: The Chair of the Democratic National Committee shall call the Convention to order and shall preside until the Permanent Chair of the Convention shall be chosen in accordance with these Rules.

The Chair of the Democratic National Committee shall appoint a Temporary Secretary and such other temporary officers as may be required to assist in the conduct of the business of the Convention. These officers shall be composed equally of men and women.

B. Temporary roll: The Secretary of the Democratic National Committee shall determine a temporary roll of delegates to the Convention which shall consist only of those persons certified as delegates pursuant to this Call, unless a credentials contest shall have arisen with respect to any such person(s), in which case the Secretary shall include on the temporary roll the name of the credentials contestant recommended for inclusion by the Credentials Committee in its report.

Persons whose names are included on the temporary roll of delegates shall be permitted to vote on all matters before the Convention until after the adoption of the report of the Credentials Committee; provided that no person shall be permitted to vote on his or her credentials contest.

C. Order of business: The order of business for the Democratic National Convention shall be as provided in these Rules and in any special order of business adopted under Section D of these Rules. The Chair of the Convention may, at appropriate times, interrupt the order of business provided for in these Rules for introductions, announcements, addresses, presentations, resolutions of tribute and appreciation or remarks appropriate to the business of the Convention.

(1) Report of Committee on Credentials: The report of the Credentials Committee shall be acted upon before the consideration of other business.

(a) The Temporary Chair shall recognize the Chair of the Credentials Committee for thirty (30) minutes to present the Committee's report unless a longer period of time shall be provided in a special order of business agreed upon by the Convention. The Chair of the Committee may present Committee amendments, yield part of his or her time to others and may yield for the presentation and disposition of minority reports without losing the right to the floor.

(b) The Temporary Chair shall arrange for the orderly presentation of amendments and of minority reports offered at the direction of the committee. Twenty (20) minutes shall be allowed for the presentation of each Committee amendment or minority report unless a longer period for any Committee amendment or minority report is provided in special orders of business agreed to by the Convention. Time shall be allotted equally to proponents and opponents of each Committee amendment or minority report. The question shall be put on each Committee amendment or minority report immediately following its presentation without intervening motion.

(c) Upon conclusion of the consideration and disposition of Committee amendments and minority reports, the Temporary Chair shall put the question on the adoption of the report of the Credentials Committee with amendments previously adopted, if any, without intervening motion. A majority vote of the Convention delegates eligible to vote shall constitute adoption of the report.

(d) In the event that the Committee's report shall not be adopted when the question is put, the Committee shall immediately reconvene to reconsider its report and shall present a new report to the Convention as soon as possible.

(2) Report of Committee on Rules: The Temporary Chair may then recognize the Chair of the Committee on Rules to present the Committee's report for the Rules of the Convention and minority reports, if any, in the same manner as that provided for the presentation of the Report of the Credentials Committee. However, the Temporary Chair may, in the interest of conducting an orderly proceeding, opt to place before the Convention the election of the Permanent Chair, the four Co-Chairs and the Secretary, prior to the presentation of the Rules Committee Report.

(3) Convention Chair: The Convention shall proceed to elect the Permanent Convention Chair in the following manner:

(a) Per Article Seven, Section 3(A) of the Bylaws of the Democratic Party of the United States the Permanent Chair of the 1988 Democratic National Convention shall be a male.

(b) The Chair of the Committee on Rules shall be recognized to offer a nomination for Convention Chair as recommended by the Committee on Rules. Nominations from the floor shall then be received.

(c) When there are no further nominations or upon adoption of a motion to close nominations, the Temporary Chair of the Convention shall conduct a vote for Permanent Convention Chair.

(d) A majority vote of the delegates present and voting shall be required to elect the Convention Chair. Balloting shall continue until a Chair is elected. The Permanent Chair shall then take the gavel.

(4) Convention Co-Chairs: The Convention shall proceed to elect four Co-Chairs and a Secretary in the same manner in which it elected the Chair. The four Co-Chairs shall be divided equally between men and women.

(5) Committee on Platform: The Permanent Chair shall recognize the Chair of the Committee on Platform to present the Committee's report and minority reports, if any, in the same manner as that provided for the presentations of the reports of the Committees on Credentials and Rules.

(6) Nomination of the Democratic candidate for President: The Permanent Chair shall receive nominations from the floor for the Democratic candidate for the Office of President of the United States in the following manner.

(a) Requests to nominate a presidential candidate shall be in writing and shall have affixed thereto the written approval of the proposed nominee and the name of the individuals who shall be recognized to make the nominating and seconding speeches on behalf of a presidential candidate and shall be delivered to the Convention Secretary at a location as specified by the Secretary no later than 6:00 p.m. of the day preceding the day designated for the commencement of presidential nominations.

(b) Each such request must be accompanied by a petition indicating support for the proposed nominee signed by delegates representing not less than 300 nor more than 600 delegate votes, not more than 50 of which may come from one delegation. No delegate may sign more than one nominating petition.

(c) The order for nominating presidential candidates shall be determined by the Committee on Rules by lot at a drawing, that shall be open to the public, on the morning of the day designated for the commencement of presidential nominations.

(d) Each presidential candidate shall be allowed a total of fifteen (15) minutes for the presentation of his or her name in nomination by a nominating speech and not more than two seconding speeches, the time to run without interruption from the recognition of the nominator.

(e) Delegates and alternates shall maintain order during and following nominations for the Office of President and demonstrations shall not be permitted.

members set forth above reflects the number of votes (not the number of delegates) added to the delegation from each state or territory to take into account such members. Because of fractional votes, the number of such delegates in some states and territories may differ from the number of delegate votes allocated to such states or territories.

[2] Members of Congress include those United States Senators elected by the Senate Democratic Conference and those Members of Congress elected by the House Democratic Caucus. Each body will elect four-fifths of its respective membership, after which time the resulting delegate members will be allocated to the states based upon where those members who are elected reside. The exact number of these delegates is subject to change due to possible deaths, resignation, elections or special elections between now and the time the Senate Democratic Conference and House Democratic Caucus elect their delegates.

[3] The add-on allocation for Democratic Governors does not include those Democratic Governors who are members of the Democratic National Committee and serve as delegates in that capacity. The add-on allocation for Democratic Governors is subject to change due to possible deaths, resignations, elections or special elections between now and convention time and possible changes in the membership of the Democratic National Committee.

[4] Pursuant to section 1(A)(6) of the Final Call, this category includes former Democratic Presidents and Vice-Presidents of the United States, Majority Leaders of the U.S. Senate and Speakers of the U.S. House of Representatives.

[5] Total Delegation Size may differ from the sum of Total Delegate Voters and Total Alternates because of fractional votes among some DNC members. See footnote 1 above.

[6] American Samoa, Guam, and the Virgin Islands may select six delegates to cast the base delegate votes of the delegation. Democrats Abroad may select twelve (12) delegates to cast the base delegate vote of the delegation and two (2) delegates to cast the one (1) party leader and elected official delegate vote.

(7) Roll call ballot for presidential candidate: After nominations for presidential candidates have closed, the Convention shall immediately proceed to a roll call vote by States on the selection of the presidential candidate. The Roll Call voting shall follow the alphabetical order of the States with the District of Columbia and Puerto Rico treated as States for the purpose of the alphabetical Roll Call. The territories, called in alphabetical order, shall follow the alphabetical Roll Call of the States. A majority vote of the Convention's delegates shall be required to nominate the presidential candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Balloting will continue until a nominee is selected.

(8) Acceptance speech by presidential candidate: Immediately after the selection of the Democratic nominee for President, the Permanent Chair shall appoint a committee to advise the nominee of his or her selection, to determine if he or she will accept the nomination and to invite the nominee to deliver an acceptance speech to the Convention.

(9) Nomination for the Democratic candidate for Vice President: The selection of a nominee for the Office of Vice President of the United States shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States except that a request to nominate must be delivered to the Convention Secretary not later than 9:00 a.m. of the day designated for the commencement of vice presidential nominations.

(10) Roll call ballot for vice presidential candidate: After nominations for vice presidential candidates have closed, the Convention shall immediately proceed to a roll call vote by States on the selection of the vice presidential candidate. The Roll Call voting procedure shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States. A majority vote of the Convention's delegates shall be required to select the vice presidential candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Balloting will continue until a nominee is selected.

(11) Acceptance speech by vice presidential candidate: Immediately after the selection of the Democratic nominee for vice president, the Permanent Chair shall appoint a committee to advise the nominee of his or her selection, to determine if he or she will accept the nomination and to invite the nominee to deliver an acceptance speech to the Convention.

D. Special orders of business: It shall be in order at any time for the Committee on Rules at the request of the Chair of the Convention to report a resolution providing a special order of business for debate of any resolution, motion, Committee report or minority report or for the consideration of any matter for which provision is not made under these Rules.

E. Powers and duties of the Chair: It shall be the responsibility of the Chair to conduct and expedite the business of the Convention and to preserve order and decorum in its proceedings. The Chair is authorized to appoint such Convention officers as may be required to assist in the conduct of the business of the Convention, such officers to be composed equally of men and women; to appoint any delegate temporarily to perform the duties of the Chair; and to take such lawful action as may be necessary and appropriate to preserve order throughout the Convention Hall, and to take any other actions consistent with the Charter and the Bylaws of the Democratic Party of the United States and this call.

F. Voting:

(1) Secret ballot: No secret ballots shall be permitted at any stage of the Convention or its committee proceedings.

(2) Proxy voting: Neither delegate nor alternate delegate votes may be cast by proxy.

(3) Roll call votes:

(a) Voting shall be by voice vote or, when prescribed by these Rules, by roll call vote. The roll call voting shall follow the alphabetical order of the States with the District of Columbia and Puerto Rico treated as States for the purpose of the roll call. The territories shall follow the alphabetical roll call of the States, and shall also be called in alphabetical order. A roll call vote may also be had if the Chair is in doubt or upon demand of any delegate supported by twenty percent (20%) of the delegate body as evidenced by (a) a petition submitted to the Chair indicating support of the demand by delegations which comprise not less than twenty percent (20%) of the authorized delegate body or, (b) by the rising in support of the demand by not less than twenty percent (20%) of the delegates present. In the case of the petition in support of a demand for a roll call vote, a delegation shall be taken to support the demand if a majority of its delegates vote to do so.

(b) When a roll call vote is ordered, the roll call shall be called by States, and the Chair of each delegation or his or her designee shall report the vote of his or her delegation and shall send to the Convention Secretary a tally showing the vote of each member of his or her delegation indicating whether such vote was cast in person or by an alternate. Such roll call votes may be called at the discretion of the Chair, and shall be conducted by having the Chair for each delegation report by telephone, or electronic voting mechanism, the vote of his or her delegation to the rostrum, provided that the telephone poll shall not be used in the balloting for the presidential and vice presidential nominees. Business shall be permitted to proceed during the telephone roll call and votes may be conducted by electronic mechanism. The Delegation Chair shall record and tally votes of the delegation on official roll call tally sheets provided by the Convention Secretary after each official vote. All official roll call tally sheets shall be turned in to the Convention Secretary at a specified location not more than thirty (30) minutes after the close of each voting period.

(c) All delegates to the National Convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.

(d) In the case where a pledged delegate is not on the floor of the Convention Hall at the time a vote is taken, and alternate may be designated according to the Rules to cast the vote. In no case may an alternate cast a vote for a delegate allocated under I(A) (5), (6) or (7) of this Final Call.

(e) On a roll call by States, the vote of a delegation as announced may be challenged by any member of the delegation before the next State is called and the votes of that delegation shall then be recorded as polled without regard to any State law, party rule, resolution or instruction binding the delegation or any member thereof to vote for or against any proposition. The Convention Chair may send a representative to the delegation to conduct the poll. At the discretion of the Convention Chair, the roll call may continue instead of waiting for the result of the polling.

(f) A demand to poll a delegation may be withdrawn at any time before the actual polling has begun.

(4) Interruption of Vote: When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote or a point of order directed to the conduct of the vote.

(5) Determination of Question: Except as otherwise provided in these Rules, all questions, including the question of nominations of candidates for President and Vice President of the United States, shall be determined by a majority vote of the delegates to the Convention.

G. Death, resignation or disability of a democratic nominee: In the event of death, resignation or disability of a nominee of the Party for President or Vice President, the Democratic National Committee is authorized to fill the vacancy or vacancies by a majority of the total number of votes provided at the Convention. For the purpose of this election, Members of Congress elected as delegates to the 1988 Democratic National Convention by the Democratic Caucus of the United States House of Representative, United States Senators elected as delegates to the 1988 Democratic National Convention by the Democratic Conference of the United States Senate, and Democratic Governors who were delegates to the 1988 Democratic National Convention shall be seated with their States' Democratic National Committee members. Each shall be considered a member of the Democratic National Committee for the purpose of voting. For every non-DNC unpledged delegate selected pursuant to the second sentence of this paragraph there shall be for each affected state an equal number of Democratic public officials or party officials of the opposite sex, such delegates to be selected by the respective State Parties. Selection of delegates referred to in the previous sentence shall be in full accord with Article Ten of the Charter of the Democratic Party of the United States (Full Participation). The full vote of each delegation is to be cast by its State's duly qualified member or members of the Committee as defined above with each member casting a proportionate share of his or her delegation's votes determined by reference to the number of members of the delegation who are present and voting. All votes to fill a vacancy shall be taken by roll call vote, in accordance with Article Two, Section 9 of the Bylaws of the Democratic Party of the United States. Proxy voting shall be prohibited.

H. Interpretation of the rules: In interpreting the Rules, the Chair may have recourse to the ruling of Chairs of previous Democratic Conventions, to the precedents of the United States House of Representatives and to general parliamentary law.

I. Appeals: The Chair shall decide all questions of order subject to an appeal by any delegate; provided that an appeal shall not be in order while another appeal is pending or from decisions on recognition or from decisions on dilatoriness of motions or during a roll call vote or on a question on which an appeal has just been decided or, when in the opinion of the Chair, such appeal is clearly dilatory.

Before the question is put on any appeal, the Chair shall be entitled to state briefly the reasons for the ruling being appealed.

J. Motion to suspend the rules: The Chair shall entertain a motion to suspend the rules, which shall be decided without debate and which shall require a vote of two-thirds (⅔) of the delegates voting, a quorum being present.

K. Motion: No question of privilege or any motion other than those provided under these Rules shall be entertained, except the motion to recess (to a time certain or at the call of the Chair), which shall be privileged, and the motion to adjourn, which shall be the highest privilege.

Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The Chair shall not entertain a motion to adjourn or recess when such motion closely follows another such motion if in the opinion of the Chair such motion is dilatory.

L. Amendments: No amendments to resolutions or motions before the Convention shall be permitted, except amendments to Committee reports offered at the direction of the Committee or in a minority report of the Committee and amendments to resolutions reported from a Committee offered at the direction of the Committee or with written support of twenty-five percent (25%) of the membership of the Committee: provided that no motion or proposition on a subject different from that under consideration shall be admitted under color of the amendment.

M. Minority reports: Minority reports of committees shall not be considered as such unless adopted in writing by at least 25 percent of the members of a committee.

N. Responsibility: By participation in the Democratic National Convention, each delegate assumes the responsibility for doing all within his or her power to assure that voters of his or her State will have the opportunity to cast their election ballots for the presidential and vice presidential nominees selected by the Convention or, should a vacancy arise, pursuant to VIII(G), and expressly agrees that he or she will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention, or, should a vacancy arise, the nominee(s) selected pursuant to VIII(G).

O. Debate Unless otherwise provided in these Rules or in a resolution providing for a special order of business, debate on any question shall be limited to a total of twenty (20) minutes and shall be equally divided between proponents and opponents unless they and the Chair agree upon an additional or lesser amount of time.

P. Division of question: When a question contains two or more separate propositions so distinct in substance that should one be taken away a substantive proposition shall remain, the question shall, upon the demand of any delegate, supported by twenty percent (20%) of the delegate body, as endorsed by the rising in support of the demand not less than twenty percent (20%) of the delegates present, before the question is put, be divided for voting.

Q. Quorum: A majority of the delegates to the Convention shall constitute a quorum thereof for the purpose of transacting business. Upon a point of order of no quorum being made, the Chair shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present; provided that a motion to adjourn may be offered and voted upon without a quorum present.

R. References to the "Chair": All references to the authority and responsibilities of the "Chair" shall pertain to the Temporary Chair, the Permanent Chair, the four Co-Chairs and any other persons assuming the Chair as appropriate during the Convention.

S. Equal Division: As the Charter of the Democratic Party of the United States provides that the National Convention shall be composed of delegates and alternates equally divided between men and women. This Final Call, in compliance with the Charter, mandates that delegates and alternates from each state and jurisdiction shall be equally divided between men and women as nearly as possible with a variance of no more than one.

T. Non-discrimination: Discrimination on the basis of sex, race, age, religion, economic status, physical handicap, sexual orientation, ethnic identity, national origin, or color in the conduct of Democratic Party affairs is prohibited.

U. Territories: The term "Territories" shall refer to American Samoa, Democrats Abroad, Guam and the Virgin Islands in this Final Call.

V. Journal of proceedings: A record of all actions taken each day by the Convention shall be printed and made available to all delegates and alternates the following day by the Convention Secretary.

The Secretary of the Democratic National Committee will provide a journal of the full proceedings of the Convention which shall be printed within the year following the Convention.

Appendix

RELATIONSHIP BETWEEN THE 1988 RULES OF PROCEDURE OF THE CREDENTIALS COMMITTEE AND THE DELEGATE SELECTION RULES

Be it resolved by the Democratic National Committee that the "Rules of Procedure of the Credentials Committee of the 1988 Democratic National Convention" do not amend the Delegate Selection Rules adopted by the Democratic National Committee on March 6, 1986 except with respect to the processing of challenges under Rule 19 of the Delegate Selection Rules.

All delegates to the 1988 Democratic National Convention shall be selected in accordance with the Delegate Selection Rules. Only delegates and alternates selected under a delegate selection system approved by the Compliance Assistance Commission pursuant to the 1988 Delegate Selection Rules shall be placed on the temporary roll of the 1988 Democratic National Convention.

All challenges to the credentials of delegates to the 1988 Democratic National Convention shall be processed in accordance with the "Rules of Procedure of the Credentials Committee of the 1988 Democratic National Convention."

RULES OF PROCEDURE OF THE CREDENTIALS COMMITTEE OF THE 1988 DEMOCRATIC NATIONAL CONVENTION

Rule No. 1—Jurisdiction of the Credentials Committee

The Credentials Committee shall have jurisdiction to hear and decide:

A. Any challenge brought before the Compliance Assistance Commission and not resolved before the 56th day preceding the date of commencement of the Democratic National Convention;

B. Any challenge alleging (i) failure to implement a final order of the Compliance Assistance Commission; or (ii) failure to implement a plan approved by the Compliance Assistance Commission, if such challenge is initiated on or after the 56th day preceding the date of commencement of the Democratic National Convention; and

C. Any challenge which, if granted, would require the denial of credentials to a specific person selected or identified as a delegate or alternate.

Rule No. 2—Parties

A. Challenging parties. A challenge to the credentials of any delegate to the 1988 Democratic National Convention shall be brought by at least fifteen (15) Democrats who are residents of the State and political unit in which the challenge arises, and who fulfill (1), or if there is no Democratic Party enrollment or registration in the State, then either (2) or (3) below:

(1) Registration or enrollment as Democrats in those states which employ such procedures. Persons not registered to vote or persons registered as unaffiliated voters or enrolled as members of other parties or as independents shall not have standing to bring a challenge.

(3) Participation in Democratic Party affairs. Persons who have participated in the affairs of another political party during the preceding 12-month period shall not have standing to bring a challenge. Participation in a party's affairs shall include, but not be limited to, voting in the immediately preceding primary of that political party.

(3) Any person who lacks standing under paragraphs (1) and (2) and who demonstrates that he or she attempted to par-

ticipate in the affairs of the Democratic Party in good faith shall have standing to challenge.

Each challenger shall subscribe to the substance, intent and principle of the Charter and By-Laws of the Democratic Party of the United States. Each challenger must have been personally injured with respect to his or her participation in the delegate selection process by any violation complained of or shall be so situated that he or she clearly will be personally injured by such violation.

B. Challenged parties:

(1) Where delegates or alternates to the Convention have been selected from the political unit in which the challenge arises, the challenged party or parties shall be a delegate or alternate or a group of delegates or alternates or the entire delegation from that political unit.

(2) Where delegates or alternates to the Convention have not yet been selected from the political unit in which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that political unit; provided that where any State law or State Party rule, regulation, decision or other State Party action or omission is challenged, the State Democratic Party shall also be named as a challenged party. If, during the pendency of the challenge, any delegate(s) or alternate(s) to the Convention are selected from the political unit involved, such delegate(s) or alternate(s) shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.

(3) The State Democratic Party shall be joined as a challenged party if a challenged party so requests.

C. Intervening Parties:

(1) A State Democratic Party may intervene as of right in any challenge proceeding for the purpose of protecting any interest it may have with respect to that proceeding.

(2) A presidential candidate may intervene as of right in any challenge proceeding for the purpose of protecting any interest he or she may have with respect to that proceeding.

(3) For good cause shown, any other person having standing under Rule 2(A) may be permitted to be heard as an amicus curiae or, in appropriate circumstances, to intevene, for all or limited purposes, by leave of the Chair of the Credentials Committee or the Hearing Officer.

Rule No. 3—Filing, service of documents and computation of time

A. Filing: Any challenge, answer and accompanying documents to be considered in the processing of any challenge shall be filed by hand delivery (receipt to be retained) or certified mail (return receipt requested) to: Chair, Credentials Committee, c/o Democratic National Convention, 430 South Capitol Street SE., Washington, D.C. 20003, with a copy to the Chair of the Democratic Party in the State in which the challenge arises. Ten copies of each document shall be filed, unless a greater number of copies is required by these Rules. Filing shall be deemed complete upon mailing or, in the case of hand delivery, upon delivery.

B. Service: Any document filed in any proceeding pursuant to these Rules shall be served by the filing party upon all other parties to that proceeding, with a copy to the Chair of the Democratic Party in the State in which the challenge arises. Service shall be made by hand delivery (receipt to be obtained) or certified mail (return receipt requested) to each party or his or her attorney, if any. Any document filed pursuant to these Rules shall be accompanied by a certificate of service signed by the filing party or by his or her attorney, if any. Service shall be deemed complete, in the case of hand-delivery, on the date of receipt by the served party or, in the case of service by certified mail, on the first business day on which delivery is attempted.

C. Time:

(1) In computing any period of time prescribed by these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and holidays shall be included.

(2) The Chair of the Credentials Committee shall have authority for good cause, on application or sua sponte, to enlarge or shorten any period of time prescribed by these Rules. An extension of time shall be granted only where compelling need is shown.

Rule No. 4—Challenges

A. A credentials challenge shall be commenced by the filing of a written challenge not later than (1) ten (10) calendar days after the violation occurred, or (2) ten calendar days after the selection of any delegate or alternate whose credentials to the Democratic National Convention are to be put in issue, whichever occurs first. The challenging parties shall, within the period provided by State Democratic Party rules, invoke, and shall thereafter exhaust, the remedies provided by State Democratic Party procedures for the violations alleged.

B. The challenge shall be verified under oath by each challenging party and signed by his or her attorney (if any), and shall include the following:

(1) The name, address and telephone number of each challenging party and allegations of fact fulfilling the requirements of Rule 2(A); and the name, address and telephone number of each challenging party's attorney or other representative authorized to receive documents on behalf of the challenger.

(2) The name, address and telephone number of each delegate or alternate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties and an identifying description of the delegate or alternate challenged; or, where delegates or alternates have not yet been selected, the name, address and telephone number of each challenged party.

(3) An identification of the political unit and State in which the challenge arises.

(4) A plain, concise and specific statement of each violation of a State delegate selection plan approved by the Compliance Assistance Commission, or of a final order of the Com-

pliance Assistance Commission; or a statement that the State has no approved delegate selection plan.

(5) A plain, concise and specific statement of how each challenging party has been injured with respect to his or her participation in the delegate selection process by each alleged violation.

(6) A plain, concise and specific statement of the remedies each challenging party has invoked with respect to each alleged violation before filing a credentials challenge with the Credentials Committee, and a statement of the expected length of time for exhaustion of the State Party procedures.

(7) A plain, concise and specific statement of the relief requested and the reason therefor. If a challenging party proposes that he or she be seated in the State's delegation, the challenge shall include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the delegate or alternate whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated in the delegate selection process.

C. The challenge shall be accompanied by the following documents:

(1) A set of proposed findings of fact and conclusions of law, sufficient to show the violations alleged and to support the relief sought. Each finding and each conclusion shall be separately numbered.

(2) A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge.

(3) A list of the documents likely to be offered in support of the challenge, together with copies of those documents.

Rule No. 5—Answer

A. Within seven (7) calendar days after service of a challenge, each challenged party shall file a written answer, verified under oath by the challenged party and signed by his or her attorney, if any, including the following:

(1) The name, address and telephone number of each challenged party and the name, address and telephone number of his or her attorney, if any.

(2) A statement as to whether the standing under Rule 2(A) of the challenging parties is in dispute.

(3) A response to the challenge, separately admitting or denying each statement therein, or stating that the challenged party is without sufficient information to admit or deny. A response to a statement shall fairly meet its substance, admitting those parts that are true and denying those parts that are false.

(4) A plain, concise and specific statement of each and every affirmative defense to the alleged violations.

(5) A plain, concise and specific statement of any other reasons why the challenged party should prevail.

B. The answer shall be accompanied by the following documents:

(1) A counter-set of proposed findings of fact and conclusions of law, separately admitting or denying each proposition set forth in the proposed findings and conclusions of the challenging party, or stating that the answering party is without sufficient information to admit or deny. A response to a proposition shall fairly meet its substance, admitting those parts that are true and denying those parts that are false. Wherever a proposition is denied in whole or in part, the proposition supported by the challenged party on that point shall be stated.

(2) A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge.

(3) A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.

C. Challenged parties may consolidate their answers.

Rule No. 6—Dismissal and decision on the pleadings

A. Dismissal:

(1) The Chair of the Credentials Committee shall dismiss any challenge, or part of a challenge, which does not fall within the jurisdiction of the Credentials Committee.

(2) If a State Party has adopted and implemented an approved affirmative action program, the Chair shall dismiss any challenge, or part of a challenge, which is based solely on composition of the Convention delegation, except in the case of challenges based upon the failure to achieve equal division.

(3) The Chair shall have authority to dismiss any challenge which is brought by persons lacking standing under Rule 2(A) or which otherwise fails to state a claim upon which relief can be granted, or fails to comply substantially with these Rules or which is otherwise manifestly insufficient.

(4) Any dismissal shall be accompanied by a written opinion by the Chair.

B. Decision on the pleadings: The Chair of the Credentials Committee shall have authority to make a decision on the pleadings where it is plain from the challenge and the answer, together with the documents accompanying those pleadings, that there is no genuine issue of material fact between the parties. Any decision on the pleadings shall be accompanied by a written opinion by the Chair.

C. Review of dismissal or decision on the pleadings: A dismissal under Rule 6A(1) shall be final. Within five calendar days after service of a notice of the entry of a discretionary dismissal under Rule 6(A)(2) or 6 (A)(3) or under Rule 6(B), an aggrieved party may file a Petition for Review by the Credentials Committee starting the objections to the Chair's action, and may file a brief. Within five (5) calendar days after service of the Petition, any other party may file a brief. Consideration of the challenge by the Credentials Committee shall proceed as in other cases, except that the challenge shall be given precedence on the Committee's docket.

Rule No. 7—Decision of State Party body

A. The Chair of the Credentials Committee may defer, for such period as is appropriate, proceedings on a challenge in order to give time for the consideration of any challenge or other related matter under State Democratic Party procedures. The deferral period shall not be so long as to interfere with the processing and consideration of the challenge by the Credentials Committee if that should prove necessary.

B. The State Democratic Party body may take such action with respect to the challenge or other related matter as it is authorized to take under State law and State Party rules.

C. After a decision by a State Party body on a challenge or other related matter any party to the challenge pending before the Credentials Committee may request the Committee to process the challenge and the Committee shall do so. The party making the request shall file any written decision or order made with respect to the challenge by the State Party body. The decision of the State Party body shall be given such weight as the Credentials Committee finds warranted in the circumstances.

D. Records of proceedings conducted by the State Party body with respect to the challenge or other related matter, and other papers relating to the State Party proceedings shall be admissible in Credentials Committee proceedings on the challenge.

Rule No. 8—Hearing

A. With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Rule 6, an open and public hearing shall be held on the specific factual and legal matters in dispute. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing.

B. The hearing shall be held in Washington, D.C. unless the Chair of the Credentials Committee determines that in the interest of justice it should be held elsewhere.

C. The hearing shall be conducted by a Hearing Officer appointed by the Chair of the Credentials Committee. The Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any presidential campaign or any group promoting or opposing credentials challenges. The Chair shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.

D. The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these Rules, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.

E. Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may make a proffer of the evidence that would have been presented but for the ruling.

F. The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.

G. A challenging party shall have the burden of proof by clear and convincing evidence on all factual issues necessary to the challenge, except that the burden of proof shall rest with the challenged party in the case of:

(1) any unresolved challenges to a State's affirmative action program filed thirty (30) days or more prior to the initiation of the State's delegate selection process; and

(2) any challenge for failure to submit and implement an approved affirmative action program by the deadline specified in the Delegate Selection Rules.

H. The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.

I. The Hearing Officer shall have authority to order for good cause, on application or sua sponte, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.

J. Subject to any ruling under Rule 8(E), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters in issue and to conduct cross-examination.

K. The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the Hearing.

L. The Hearing Officer shall make and file a written report to the Credentials Committee, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The report shall be served on all parties to the challenge.

M. Any transcript or other papers in the record from any proceedings before the Compliance Assistance Commission shall be part of the record.

Rule No. 9—Consideration by the Credentials Committee

A. The Credentials Committee shall begin meeting at the call of the Chair in Washington, D.C., Atlanta, Georgia or elsewhere at the call of the Chair to hear challenges.

B. All meetings of the Credentials Committee shall be open to the public; provided that the Chair of the Committee shall exclude from the specific area where the Committee is conducting its business all persons whose presence in that area is not required for the proper conduct of the business.

C. Request for Hearing by Full Committee: Within two (2) days after service of the Hearing Officer's report, an aggrieved party may file a written Petition for Review by the Credentials Committee. The Petition shall contain a plain, concise and specific statement of the reasons for appeal and the procedural and/or substantive errors claimed by the petitioner.

D. Briefs:

(1) Within three (3) calendar days after filing the Petition for Review, the petitioner for review may file a brief.

(2) Within three (3) calendar days after service of the petitioner's brief, a respondent may file a brief.

(3) Any party filing a brief shall file as many copies as there are members of the Committee, plus ten (10) copies for the Chair and staff of the Committee.

E. Argument:

(1) Each side of a challenge shall be entitled to present oral argument before the Committee for a period determined by the Chair of the Committee, generally not to exceed 15 minutes.

(2) The Chair of the Committee may require parties to consolidate or separate their challenges or defense for purposes of oral argument.

(3) The Chair of the Committee shall notify the parties of the time and place of oral argument.

F. Resolutions:

(1) All proposed resolutions relating to the disposition of a credentials challenge shall be in writing, signed by the proponent and at least one second. Proposed resolutions relating to the seating or unseating of delegates or alternates shall be seconded in writing by at least seven (7) members, no more than two (2) of whom may be members elected by the delegation from the same state as the proponent of the resolution.

(2) All proposed resolutions relating to the disposition of a credentials challenge shall be framed so as to be dispositive of the entire challenge and, to that end, shall be specific in stating the action recommended to be taken by the Convention.

(3) Following the submission of all proposed resolutions to the Chair, the resolution having the largest number of seconds present shall become the pending order of business. Twenty (20) minutes of debate shall be allotted to each proposed resolution, equally divided between the proponents and the opponents. At the conclusion of the debate, the resolution shall be put to a vote. In the event the resolution is not adopted, the proposed resolution having the next largest number of seconds shall become the pending order of business, and so on until the challenge is disposed.

(4) No amendment to any proposed resolution shall be permitted, except with the consent of the proponent, and no resolution or propositions on a subject different from that under consideration shall be admitted under color of an amendment.

G. Presidential preference of delegation: Except where the issue is the expressed presidential preference of the political unit represented by the challenged delegates, any remedy for a violation shall fairly reflect the expressed presidential preference of that political unit.

H. Voting: A member of the Credentials Committee elected by a State delegation shall not vote on a challenge arising in that state. All matters shall be determined by a majority vote of those present and voting, a quorum of the full Committee being present. A quorum shall consist of members present in person representing forty percent (40%) of the total number of Committee votes entitled to be counted in the matter.

I. Proxies: Proxy voting shall be prohibited.

Rule No. 10—Committee Report

The Report of the Credentials Committee shall be distributed to all delegates, alternatives and the public as soon as practicable after its adoption.

Rule No. 11—Minority Reports

Upon the request of members representing twenty-five percent (25%) of the total votes of the Credentials Committee, a minority report shall be prepared for distribution to all Convention delegates, alternates and the public as part of the Committee's report. This minority report shall be distributed at the same time the Credentials Committee Report is distributed. No member elected to the Committee by a State delegation may join in such request as to a proposed minority report relating to a credentials challenge to any delegate from his or her state. The Committee staff shall assist in the preparation of such report.

Rule No. 12—Record

The official record of any proceeding under these Rules shall be maintained in the office of the Democratic National Committee in Washington, D.C. and shall be open and available for public inspection and duplication at reasonable times.

All meetings of the full Credentials Committee shall be transcribed.

Rule No. 13—Interpretation and waiver of rules and provisions for special rules

A. These Rules shall be interpreted and applied in the interests of justice and fairness to all parties, speed and economy. To serve these interests, and for good cause, on application or sua sponte, the Chair of the Committee shall have the authority to waive any provision of these Rules other than Rules 4(B), 5 and 6(A)(1).

B. In the case of any challenge filed on or after June 16, 1988, the Chair may shorten the time periods specified in these Rules for processing the challenge, including the time to file documents and conduct hearings, as the interests of justice and the orderly disposition of challenges dictate; provided:

(1) The challenge and accompanying papers shall be filed not later than three days after the occurrence of the violation alleged.

(2) The answer and accompanying papers shall be filed not later than three days after service of the challenge.

E. Rules of the Republican Party Relating to the Selection of Delegates to the 1988 National Nominating Convention

Rule No. 32—Election of Delegates and Alternate Delegates

(a) Order of Precedence.

Delegates at large and their alternate delegates and delegates from Congressional districts and their alternate delegates to the national convention shall be elected in the following manner:

(1) In accordance with any applicable laws of a state, insofar as the same are not inconsistent with these rules; or

(2) To the extent not provided for in the applicable laws of a state, in accordance with any applicable Republican Party rules of a state, insofar as the same are not inconsistent with these rules; or

(3) By a combination of the methods set forth in paragraphs (a)(1) or (a)(2) of this rule; or

(4) To the extent not provided by state law or party rules, as set forth in paragraph (c) of this rule.

(b) General.

In all elections of delegates or alternate delegates to the national convention, the following rules shall apply:

(1) In any jurisdiction in which Republican representation upon the board of judges or inspectors of elections for primary elections is denied by law, delegates and alternate delegates shall be elected as provided in paragraph (a)(2) or (a)(4) of this rule.

(2) In selecting delegates and alternate delegates to the national convention, no state law shall be observed which hinders, abridges, or denies to any citizen of the United States, eligible under the Constitution of the United States to hold the office of President or Vice President of the United States, the right or privilege of being a candidate under such state law for the nomination for President or Vice President of the United States or which authorizes the election of a number of delegates or alternate delegates from any state to the national convention different from that fixed in these rules.

(3) Alternate delegates shall be elected to the national convention for each unit of representation equal in number to the number of delegates elected therein and shall be chosen in the same manner and at the same time as the delegates, and under the same rules; provided, however, that if the law of any state shall prescribe another method of choosing alternate delegates they may be chosen in accordance with the provisions of the law of the state in which the election occurs.

(4) Delegates and alternate delegates at large to the national convention when serving as delegates and alternate delegates shall be residents of and duly qualified voters of their respective states. All delegates and alternate delegates allo-

cated as delegates and alternate delegates at large shall be elected at large in the several states unless state law specifically requires another allocation.

(5) Delegates and alternate delegates to the national convention representing Congressional districts shall be residents of and qualified voters in said districts respectively when elected and when serving as delegates and alternate delegates. All delegates and alternate delegates allocated to represent Congressional districts shall be elected by the Congressional district of the several states unless state law specifically requires another allocation.

(6) No delegate or alternate delegate to the national convention shall be required to pay an assessment or fee in excess of that provided by the law of the state in which his or her election occurs as a condition of serving as a delegate or alternate delegate to the national convention.

(7) There shall be no automatic delegates to the national convention who serve by virtue of party position or elective office.

(8) Delegates and alternate delegates to the national convention may be elected only in one of the following manners:

(i) primary election;

(ii) by the Republican state committee, where specifically provided by state law;

(iii) by state and Congressional district conventions;

(iv) by any method consistent with these rules by which delegates and alternate delegates were selected to the 1984 Republican National Convention in that state.

(c) Conventions.

Wherever state law permits or the Republican Party rules of a state require the election of delegates and alternate delegates by convention or there is no applicable state law or Republican Party rule, delegates and alternate delegates to the national convention shall be elected by Congressional district or state conventions pursuant to the following rules:

(1) Congressional district or state conventions shall be called by the Republican state committee.

(2) Delegates to Congressional district conventions may be elected in precinct caucuses, mass meetings, mass conventions, or county conventions in which only eligible voters in such precinct, county, or district as the case may be shall vote.

(3) Notices of the call for any such caucus, meeting, or convention shall be published in a newspaper or newspapers of general circulation in the county, district, or state as the case may be, not less than fifteen (15) days prior to the date of such caucus, meeting, or convention.

(4) Only legal and qualified voters who are deemed to be Republicans pursuant to state law or by party rules of a state shall participate in any Republican caucus, mass meeting, or mass convention held for the purpose of selecting delegates to county, district, or state conventions and only such legal and qualified voters shall be elected as delegates to county, district, and state conventions; provided, however, that in addition to the qualifications provided herein, the governing Republican committee of each state shall have the authority

to prescribe additional qualifications not inconsistent with law. Such additional qualifications shall be adopted and published in at least one (1) daily newspaper having a general circulation throughout the state, such publication to be at least ninety (90) days before such qualifications become effective.

(5) No delegates shall be deemed eligible to participate in any Congressional district or state convention the purpose of which is to elect delegates to the national convention who are elected prior to the date of the issuance of the call of such national convention.

(6) Congressional district conventions shall be composed of delegates who are legal and qualified voters therein, and delegates to state conventions shall be qualified voters of the respective districts which they represent in said state conventions. Such delegates shall be apportioned by the state Republican Party among counties, parishes, and cities of the state or district having regard to the Republican vote or the population therein.

(7) There shall be no proxies at any district or state convention (which shall not include meetings of a Republican state committee) held for the purpose of selecting delegates to the national convention. If alternate delegates to such selection convention are selected, the alternate delegate and no other shall vote in the absence of the delegate.

Rule No. 33—Election of Excess Delegates and Alternate Delegates

(a) No state shall elect a greater number of persons to act as delegates and alternate delegates than the actual number of delegates and alternate delegates respectively to which it is entitled under the call for the national convention, and no unit of representation may elect any delegate or delegates, or their alternate delegates, with permission to cast a fractional vote.

(b) Where more than the authorized number of delegates from any state is reported to the secretary of the Republican National Committee, a contest shall be deemed to exist and the secretary shall notify the several claimants so reported and shall submit all such credentials and claims to the whole Republican National Committee for decision as to which claimants reported shall be placed upon the temporary roll of the national convention.

Rule No. 34—Participation

(a) The Republican National Committee shall assist the states in their efforts to inform all citizens as to how they may participate in delegate-selection procedures. The states, in cooperation with the Republican National Committee, shall prepare instructive material on delegate-selection methods and make it available for distribution.

(b) Participation in a Republican primary, caucus, or any meeting or convention held for the purpose of selecting delegates and alternate delegates to a county, district, state, or national convention shall in no way be abridged for reasons of sex, race, religion, color, age, or national origin. The Republican National Committee and the Republican state committee or governing committee of each state shall take positive action to achieve the broadest possible participation by men and women, young people, minority and heritage groups, senior citizens, and all other citizens in the delegate-selection process.

(c) Unless otherwise provided by the laws of the state in which the election occurs, in those states where delegates and alternate delegates are elected through the convention system or a combination of convention and primary systems, the precinct, ward, township, or county meetings shall be open meetings, and all citizens who are qualified shall be urged to participate.

(d) Each state shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention.

(e) The provisions of these rules are not intended to be the basis of any kind of quota system.

Rule No. 35—Certification of Election

(a) All delegates and alternate delegates shall be elected not later than thirty-five (35) days before the date of the meeting of the national convention, unless otherwise provided by the laws of the state in which the election occurs.

(b) Election of delegates and alternate delegates shall be certified, in every case where they are elected by conventions, by the chairman and secretary of such conventions or by the chairman and secretary of the Republican state committee, and forwarded to the secretary of the Republican National Committee, and in the case of election by primary, they shall be certified by the proper official, and all certificates shall be forwarded by said duly elected delegates and alternate delegates in the manner herein provided.

(c) No later than thirty (30) days before the time set for the meeting of the national convention, the credentials of each delegate and alternate delegate shall be filed with the secretary of the Republican National Committee for use by the secretary in making up the temporary roll of the national convention, except in the case of delegates or alternate delegates elected at a time or times in accordance with the laws of the state in which the election occurs rendering impossible the filing of credentials within the time above specified.

Rule No. 36—Contests: Resolution by States

All contests arising in any state electing district delegates by district conventions shall be decided by its state convention, or if the state convention shall not meet prior to the national convention, then by its state committee; and only contests affecting delegates elected at large shall be presented to the Republican National Committee; provided, however, if the contest regarding a district delegate arises out of the irregular or unlawful action of the state committee or state convention, the Republican National Committee may take jurisdiction thereof and hear and determine the same under the procedure provided in Rules No. 38 and 39.

Rule No. 37—Temporary Roll

(a) The names of the delegates and alternate delegates presenting certificates of election from the canvassing board or officer created or designated by the law of the state in which the election occurs, to canvass the returns and issue certificates of election to delegates or alternate delegates to national conventions of political parties in a primary election, shall be placed upon the temporary roll of the national convention by the Republican National Committee.

(b) No person on the temporary roll of the national convention and whose right to be seated as a delegate or alternate delegate is being contested (except those placed on the temporary roll with all the rights to participate except in matters involving their own credentials decided by an affirmative vote of a majority of the members of the Republican National Committee or the Committee on Credentials) shall be entitled to vote in the national convention or in any committee thereof until by vote of the national convention the contest as to such person has been finally decided and such person has been permanently seated.

Rule No. 38—Contest Filing

(a) Notices of contests shall state the grounds of the contest and shall be filed, no later than thirty (30) days before the time set for the meeting of the national convention, with the secretary of the Republican National Committee, except in the case of delegates or alternate delegates elected at a time or times in accordance with the laws of the state in which the election occurs rendering impossible the filing of the notice of contest within the time above specified.

(b) Notice of contests may be filed only by a resident of the state whose delegation is challenged.

(c) Only such contests that are timely filed under these rules shall be considered.

Rule No. 39—Contest Procedure

(a) No later than twenty-two (22) days before the convening of the national convention, each of the contesting persons or groups shall file with the secretary of the Republican National Committee at least three (3) printed or typewritten copies of the brief in support of their claim to sit as delegates or alternate delegates to the national convention together with such affidavits or other evidence as desired. The secretary of the Republican National Committee, upon receiving the brief of a contesting person or group, shall furnish the opposing contesting person or group a copy of said brief.

Each brief shall begin with a summary of not more than one thousand (1,000) words setting forth succinctly a synopsis of the brief and a specific statement of the points relied upon.

(b) The Committee on Contests shall hear and decide the statement of law and fact at once and make its decision as to what issues are involved and submit these issues, either of law or fact, or both, to the Republican National Committee, and such issues shall be the sole and only issues passed upon and determined by the Republican National Committee unless it shall, by a majority vote, extend or change the same.

If the Committee on Contests for any reason shall fail to state the issues either of law or fact, the Republican National Committee shall decide upon what issues the contest shall be tried, and the hearing shall be limited to such issues unless the Republican National Committee, by a majority vote, shall decide otherwise.

(c) The Committee on Contests shall make up a report of each contest filed, showing the grounds of contest; the statute and rule, if any, under which the contest is waged; and the contentions of each party thereto. The report shall conclude with a statement of the points of issue in the contest, both of fact and law, and shall be signed by the chairman. When the Committee on Contests has prepared such report stating the issues of law and fact, a copy of the statement of such issues shall be forthwith submitted to a person in the convention city, whom the contestants must appoint at the time of filing the contest to receive such statement, and a copy shall forthwith be served by the chairman of the Committee on Contests upon the contestants by registered mail.

(d) The contestants shall have eight (8) days to file written objections to the Committee on Contests' statement of the issues of fact or law, or both, unless the Republican National Committee is called to act upon the contest sooner, in which case such objections shall be made before the meeting of the whole committee. In case the contestants reside in the states of Alaska or Hawaii or in Puerto Rico, the Virgin Islands, or Guam, they shall be entitled to ten (10) days to file written objections.

The objections shall contain any additional statement of issue of either law or fact, or both, claimed by the contestant submitting the same to be involved in and necessary to be decided in the contest.

(e) When the Republican National Committee is called to pass upon any contest that may arise, the members of the Committee on Credentials shall also be notified of the time and place of such meeting and shall have the right to attend all hearings of all contests but without the right to participate in the discussion or to vote.

Rule No. 40—Convention Committee on Credentials

(a) When the convention shall have assembled, the secretary of the Republican National Committee shall deliver to the Committee on Credentials all credentials and other papers forwarded under Rule No. 35(c).

(b) If an appeal is taken from any ruling of the Republican National Committee on any contest, notice of such appeal must be filed with the secretary of the Republican National Committee within twenty-four (24) hours after the decision and shall specify the grounds upon which the appeal is taken, and only the grounds so specified shall be heard by the Committee on Credentials upon such appeal. No evidence other than that taken before the Republican National Committee shall be taken up by the Committee on Credentials unless it shall, by a majority vote of all of its members, so direct.

(c) No issue involving the status of a delegate or delegates or any contest relating thereto may originate before the Committee on Credentials of the national convention. All contests must first be presented to the Committee on Contests of the Republican National Committee or to the whole Republican National Committee.

1988 REPUBLICAN NATIONAL CONVENTION

Tentative Allocation of Delegates*

The present delegate allocation system was developed at the 1972 Republican National Convention for use in determining the number of delegates each state would have at the 1976 Convention. In the rules adopted by the 1976 Convention, the formula for delegate allocation for the 1980 Convention remained unchanged except for Puerto Rico (whose delegation was increased from 8 to 14 members). No change was made in the formula by either the 1980 or 1984 Convention. Rule 31 of the Rules of the Republican Party sets forth the delegate allocation system, and an explanation of the sections of that rule relevant to delegate allocation in the 1988 Convention follows.

Base

Each of the fifty states receives a base of six Delegates at Large. The District of Columbia receives a base of fourteen Delegates at Large; Guam is allotted four, Puerto Rico fourteen, and the Virgin Islands four.

District Delegates

Each of the fifty states receives three District Delegates for each representative it has in the United States House of Representatives, regardless of political affiliation. (Does not apply to the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.)

Bonus Delegates

Additional Delegates at Large (often referred to as bonus delegates) are awarded according to the following criteria:

1984 Presidential Nominee

Any state that cast its electoral votes for President Reagan in the 1984 election receives additional Delegates at Large computed as follows: 4.5 delegates plus a number of delegates equal to 60% of the state's electoral vote (the sum of which is rounded up to the next highest whole number).

1984–1987 Senate Races

Each state electing a Republican U.S. Senator between 1984 and 1987, inclusive, receives one additional Delegate at Large per Senator; however, no state may receive more than two additional delegates for Republican senatorial victories.

---

* Tentative allocation as of March 11, 1987.

1984–1987 Gubernatorial Races
Each state electing a Republican governor between 1984 and 1987, inclusive, receives one additional Delegate at Large; however, no state may receive more than one additional delegate for a gubernatorial victory.

1984–1987 House Races
Each state electing Republicans in at least half of its congressional districts between 1984 and 1987, inclusive, receives an additional Delegate at Large; however, no state may receive more than one additional delegate for electing Republicans in at least half of its congressional districts.

Delegation Total
To determine the total number of delegates from a state, add the number of base, district, and bonus delegates.

PART III. SURVEY OF STATE LAWS, PARTY RULES, REGULATING THE SELECTION OF DELEGATES TO THE NATIONAL NOMINATING CONVENTIONS *

A. Delegate Selection for the States

ALABAMA

Delegates to National Conventions:
Democratic: 61
Republican: 38

A. MANNER OF SELECTION

Political parties may provide for the selection of delegates to national conventions by the holding of a presidential preference primary or by popular election of the delegates or otherwise. In the event a presidential preference primary is called by the governing body of any party, notice of such action shall be given to the Secretary of State as part of the notice required by section 17-16-13 of the Code of Alabama. Said notice shall prescribe the procedure for the listing of the names of presidential candidates on the primary ballot and for the selection of delegates pledged under party rules to vote for the respective presidential candidates. A presidential preference primary, when called, will appear in the first or top position on the primary ballot. When no presidential preference primary is to be utilized, delegates may be elected in the primary election in the same manner as other party officers; except that, subject to such rules and procedures as the respective political parties may adopt, any delegate candidate may be permitted to list opposite his or her name on the primary ballot the surname of the presidential candidate to whom he or she is pledged or the word "uncommitted." When delegates are to be so elected, the candidates for such position or positions shall appear in the first or top position on the primary ballot (§ 17-16-7, Code of Alabama).

When it shall be desired by the governing body of any political party to enter the primary election ordered to be held under the provisions of this chapter, said governing body for the State shall give public notice thereof by filing a copy of the resolution of such governing body with the Secretary of State of Alabama. Such notice may be given to the Secretary

---

* The major emphasis of this section is on the Democratic and Republican parties. Since state election laws and party rules are often amended in regard to the selection of national convention delegates, reference should also be made to them and recent amendments to them.
An acknowledgment is made to Kevin J. Coleman of the Government Division of the Congressional and Research Service for his assistance in the research and development of this section.
See generally, Special Report: The Nominating Process, Congressional Quarterly, Vol. 45, No. 35, Aug. 29, 1987, pp. 1987-2103. [Hereinafter referred to as C.Q. Special Report: The Nominating Process.]

of State by the chairman of the county executive committee where the primary election affects only one county, and a copy of such notice shall be filed with the probate judge of such county (§ 17-16-13).

Democrats:
The national convention delegation for congressional districts (37) will be elected at the presidential preference primary on March 8, 1988. Delegates will be allotted to the winning candidate with a 15 percent threshold based on the results of the primary. The names of congressional district delegates appear on the presidential preference primary ballot. At-large delegates, pledged party and elected official delegates, and superdelegates totaling 24 delegates will be elected at the Democratic state executive committee on May 7, 1988. (See C.Q. Special Report: The Nominating Process, *supra* at pp. 2020-2021.)

Republicans:
The Republican national convention delegation will be elected at the March 8, 1988 presidential preference primary. The national convention delegates are allotted to the candidate winning a majority of the votes in a winner-take-all method of allocation. If there is no majority winner, at-large delegates and district delegates are allocated 2 to the winner and 1 to the runner-up. The names of all the Republican national convention delegates appear on the presidential preference primary ballot. The Alabama Republican Party will have 21 congressional district delegates, and 17 statewide delegates, elected at the presidential primary. (See C.Q. Special Report: The Nominating Process, *supra* at pp. 2020-2021.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary shall be held on the second Tuesday in March, i.e., March 8, 1988 (Code of Alabama, § 17-16A-1).

A petition or petitions in support of a presidential candidacy must be filed with the State party chairman of the appropriate political party by January 15. The petition or petitions must be signed by a total of not less than 500 electors or by not less than 50 qualified electors in each congressional district in which there shall be a separate petition to be signed (§ 17-16A-3).

Each candidate upon filing his qualifying petition shall pay a filing fee that is prescribed by his political party (§ 17-16A-4). Whenever the chairman shall receive petitions, timely filed, which appear to qualify the name of a candidate for President to be placed on the ballot, he shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless he withdraws his name from the ballot within ten days after receipt of such notice, his name will appear on the ballot of his party at such presidential preference primary. If a candidate signifies his desire to withdraw his name within the above time limit, his name shall not be printed on the ballot (§§ 17-16A-5, 17-16A-6).

C. STATUTORY INSTRUCTIONS

None. (Party resolutions and rules provide appropriate instructions to the delegates.)

ALASKA

Delegates to National Conventions:
Democratic: 17
Republican: 19

A. MANNER OF SELECTION

Delegates to the national conventions of the respective political parties are selected at the State Conventions of the parties according to party rules.

Democrats:
The Democratic delegates to the national nominating convention will be selected by a three-step caucus process beginning with precinct caucuses on March 10, 1988, followed by state house district caucuses on April 9–10, 1988, and ending with the State convention on May 13–15, 1988. Democratic Congressional district delegates will total 8, and at-large delegates, pledged party and elected official delegates will total 9. (See C.Q. Special Report: The Nominating Process at p. 2057.)

Republicans:
There will be 19 at-large Republican delegates which will be chosen in a three-step caucus process beginning with March precinct caucuses (March 1, 1988), followed by State representative district caucuses (March 21–25, 1988), and concluding with the Alaskan Republican State party convention on April 28–30, 1988. (See C.Q. Special Report: The Nominating Process at p. 2057.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Alaska repealed its presidential preference primary statute in 1984.

C. STATUTORY INSTRUCTIONS

None.

ARIZONA

Delegates to National Conventions:
Democratic: 40
Republican: 33

A. MANNER OF SELECTION

In Arizona there are no statutory provisions governing the selection of delegates by the political parties to their national conventions.

Democrats:
The first step in the delegate selection process in the caucus/convention system are legislative and county elections which are scheduled by the Democratic Party in Arizona for April 16, 1988. These caucuses will be followed by regional caucus-

es on May 28, 1988 which select district delegates and alternates and the State convention on June 4, 1988 which selects the at-large delegates and alternates and the pledged party and elected official delegates. The Democratic delegation will have the following composition: 23 Congressional delegates, 8 at-large delegates, 5 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2071.)

Republicans:
The Republican Party in Arizona will select 33 delegates to the 1988 Republican National Convention. In April 1988 county conventions or caucuses are scheduled to elect delegates to the State convention. The State convention will be held on May 14, 1988 at which 15 Congressional district delegates and 18 at-large delegates will be selected. (See C.Q. Special Report: The Nominating Process at p. 2071.)

B. PRESIDENTIAL PREFERENCE PRIMARY
None.

C. STATUTORY INSTRUCTIONS
None.

ARKANSAS
Delegates to National Conventions:
Democratic: 43
Republican: 27

A. MANNER OF SELECTION
Each political party in the State desiring to select delegates to attend a quadrennial national nominating convention of the party to select a nominee for the office of President of the United States shall hold a preferential presidential primary election in the State on the second Tuesday in March in each presidential election year (March 8, 1988).

Democrats:
The Democratic Party in Arkansas will select national convention delegates in a caucus process after the March 8, 1988 presidential preference primary. The caucus process starts when the Democratic primary voters elect county convention delegates (by justice of the peace districts at the March 8 primary. Democratic county conventions will be held on April 16. The State convention will be held on May 14. The selection of delegates will be based on the results of the primary and will be allotted to candidates reaching the 15 percent threshold of the primary votes. The Arkansas national convention delegation will be composed of 25 congressional district delegates and 18 delegates representing the at-large delegates, the pledged party and elected officials delegates, and the superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2022–2023.)

Republicans:
The Republican Party in Arkansas will select 27 delegates to the 1988 Republican National Convention. The Republican National Convention delegates are selected in a caucus process after the March 8, 1988 presidential primary. Republican county conventions will be held on March 28, 1988, and district conventions will be held on April 16, 1988. The national convention delegates are allocated to the presidential candidates who receive a 3.7 percent threshold of the vote in accordance with the results of the primary vote. The Republican delegation will be composed of 12 congressional district delegates and 15 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2022–2023).

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Arkansas will hold a presidential preference primary on March 8, 1988 (§ 7–8–202). The delegates to the national conventions shall be apportioned to the votes cast for the presidential candidates (§ 7–8–208). The expense of conducting a preferential presidential primary election shall be borne by the political party; provided, however that public funds appropriated by the county quorum courts, the State General Assembly, or the Federal Government, for use in conducting such elections may be accepted and applied to payment of such expense. (§ 7–8–203).

C. STATUTORY INSTRUCTIONS

On the first ballot, delegates must cast their votes for the candidates or uncommitted as determined by the results of the primary (§ 7–8–210).

CALIFORNIA

Delegates to National Conventions:
Democratic: 336
Republican: 175

A. MANNER OF SELECTION

Delegates to national conventions of the political parties are selected at a presidential primary held on the first Tuesday after the first Monday in June of years when delegates to national party conventions are chosen (California Elections Code, § 2551, 2552). (June 7, 1988).

Democrats:
The Democratic National Convention delegation will be selected based on the results of the June 7, 1988 primary to those candidates receiving a 15 percent threshold. Congressional district delegates are slated in pre-primary caucuses and elected in order based on primary results. The national convention delegation will be composed of 205 congressional district delegates and 131 other delegates which will comprise the at-large delegates (68), the pledged party and elected officials delegates (41), and the superdelegates (22). (See C.Q. Special Report: The Nominating Process at pp. 2093–2095.)

Republicans:
The Republican National Convention delegation will be allotted to the presidential candidate winning the March 7, 1988 presidential preference primary in a winner-take-all method of allocation of delegates. The Republican delegation will be composed of 135 congressional district delegates and 40 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2093-2095.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on the first Tuesday after the first Monday in June, (June 7, 1988) (California Elections Code, §§ 2551, 2552).

C. STATUTORY INSTRUCTIONS

Republicans:
Each delegate to the Republican National Convention shall use his best efforts at the convention for the party's presidential nominee candidate from California to whom the delegate has pledged support until such person is nominated for President, receives less than 10 percent of the votes for nomination, releases the delegate from his obligation, or until two convention nominating ballots have been taken. Thereafter, each delegate shall be free to vote as he chooses, and no rule may be adopted by a delegation requiring the delegation to vote as a body or causing the vote of any delegate to go uncounted or unreported (§ 6071(c)).

COLORADO

Delegates to National Conventions:
Democratic: 51
Republican: 36

A. MANNER OF SELECTION

Delegates are chosen at State conventions or by party committees authorized by such conventions (Colorado Revised Statutes, § 1-4-701 (i)).

Democrats:
The Democratic National Convention delegation will be selected in a four-step caucus process which are comprised of precinct caucuses (April 4, 1988), county conventions (April 14-May 4, 1988), congressional district conventions (April 23—May 20, 1988), and the State convention (May 21, 1988). The district and State conventions select the national convention delegates. The Colorado Democratic delegation will have 29 congressional district delegates and 22 other delegates comprising the at-large delegation (10), the pledged party and elected officials delegates (6), and the superdelegates (6). (See generally C.Q. Special Report: The Nominating Process at p. 2068.)

Republicans:
The Colorado Republican Party will send 18 congressional district delegates and 18 at-large delegates to the national

convention. The delegates will be selected in a four-step caucus process which begins on April 4, 1988 with the precinct caucuses and continues with the county conventions (April 14–May 4, 1988) and the congressional district conventions (beginning May 4, 1988) and ends with the State convention on June 4, 1988. (See generally C.Q. Special Report: The Nominating Process at p. 2068.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

CONNECTICUT

Delegates to National Conventions:
Democratic: 59
Republican: 35

A. MANNER OF SELECTION

National convention delegates and alternates are selected in accordance with party rules. District candidates for national convention delegates must file with the Secretary of State a written statement of presidential preference or uncommitted status by the 14th day prior to the presidential preference primary (Connecticut General Statutes § 9–473, Supp.). Political parties may hold caucuses for the selection of delegates prior to the day of the presidential primary (§ 9–486, Supp.).

Not later than the 14th day before the day of the primary, the chairman of each party shall certify in writing to the Secretary the number of delegates to which such party is entitled pursuant to its rules. If such rules provide that such delegates are to be chosen from districts, the chairman shall also certify the number of delegates allocated to each district and the number to be selected at large, if any. If such rules prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for such candidates at the primary, the chairman shall also certify such formula and all information necessary for the application of such formula to the results of the primary. The chairman shall furnish to the Secretary, upon request, a written interpretation or explanation of any application of such formula (§ 9–473, Supp.).

Allocation of Delegates:

The Secretary shall determine the number of votes cast for each candidate and the total number of votes cast for all candidates at each party's primary. If delegates are to be selected to represent districts, the Secretary shall also make such determination for each such district (§ 9–482, Supp.). If a party's chairman has certified a formula in accordance with the provisions of section 9–473, the Secretary shall calculate the number of delegates allocated to each of such party's candidates, pursuant to such formula, except as provided in section 9–484 (§ 9–483).

If a party's chairman did not certify a formula pursuant to section 9–473, or if the application of the formula so certified requires all delegates to be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates, the secretary shall determine the number of delegates to be so allocated to each candidate of each such party in accordance with the provisions of this section (§ 9-484(a), Supp.). Such determination shall be made separately for delegates to be selected at large and delegates to be selected from each district. Any percentage required to be determined, in accordance with the provisions of this section, shall be rounded off to the nearest one-tenth of one percent. As used in this section, "minimum percentage" means the ratio, expressed as a percentage, that the number one bears to the total number of delegates to be selected, but in no event shall such percentage exceed twenty-five percent. (§ 9-484(b), Supp.).

The Secretary shall calculate the minimum percentage, as defined in subsection (b) of this section, using the number of delegates to be selected at large and, if applicable, the number of delegates to be selected from each district respectively. Except as provided in this subsection, a candidate's percentage of the total votes cast for all candidates in the State or in a district must equal or exceed such minimum percentage in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The Secretary shall determine each candidate's percentage of the total votes cast for all candidates in the State and in each district. In the event two or more candidates have received a percentage of such total votes cast equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage, which shall be each such candidate's percentage of the total votes cast for all such candidates, excluding the votes cast for all other candidates. The Secretary shall then calculate the product of each such candidate's adjusted percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allocated to each such candidate except as hereinafter provided. (1) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off, and if necessary one delegate shall also be substracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected. (2) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected (§ 9–484(c), Supp.).

In the event one or no candidate has received a percentage of the total number of votes cast for all candidates equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage for each of the candidates receiving the greatest and second greatest number of votes cast for all candidates. The adjusted percentage shall be such candidate's percentage of the total number of votes cast for both such candidates, excluding the total number of votes cast for all other candidates. The Secretary shall determine the number of delegates allocated to each candidate by using the same procedure as prescribed in subsection (c) of this section (§ 9–484(d), Supp.).

Certification of Delegates; Release of Delegates:

Forthwith upon completion of the procedures prescribed by section 9–483 or 9–484, as the case may be, the Secretary shall certify to the chairman, each candidate and the national committee of the party, the number of such party's at large and district delegates allocated to each candidate in accordance with the provisions of said sections. Each party shall select a number of delegates, both at large and from each district, pursuant to its rules and in accordance with such certification, provided it shall select a number of delegates committed to support each candidate which is not less than the number so allocated to such candidate. If, prior to a party's selection of delegates, a candidate to whom one or more of such party's delegates are allocated files with the secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates allocated to him, delegates committed to such candidate shall not be selected by such party. Forthwith upon the selection of delegates, the chairman shall certify to the Secretary the name and address of each delegate, the district from which he was selected or that he was selected at large, and the name of the candidate to whom he is committed or that he is uncommitted, as the case may be. If, as a consequence of any such candidate's release of delegates, the number of delegates differs from the number so allocated in accordance with the secretary's certification, the chairman shall include in his certification a statement to such effect and an accounting of the differences (§ 9–485(a)).

The Secretary shall forward a copy of such certification to the national committee of the party and to each candidate to whom at least one delegate is committed. If such certification indicates that the party has not complied with the provisions of this section in its selection of delegates, the Secretary shall so inform the chairman, each such candidate and the national committee of the party. If any such candidate files with the Secretary a written objection to any delegate committed to him according to the chairman's certification, the Secretary shall inform the chairman and the national committee of the party of such objection. Any dispute over the selection of delegates by a party shall be resolved in such manner as its rules may prescribe (§ 9-485(b)).

Democrats:
The Democratic National Convention delegation is selected by a caucus procedure after the presidential preference primary on March 29, 1988. Congressional district delegates are chosen in post-primary caucuses on April 14, 1988 to reflect the primary vote. The remaining delegates will be chosen by a committee of the district delegates on May 10, 1988. The method of allocation of the delegates to the presidential candidates is by proportional representation with a 15 percent threshold requirement. The congressional district delegation will total 34 while the remainder of the delegation will total 25 which will include 11 at-large delegates, 7 pledged party and elected officials, and 7 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2066–2067.)

Republicans:
The Republican delegation will be chosen after the presidential primary on March 29, 1988 and will reflect the results of the primary. The Republican delegation will be composed of 18 congressional district delegates and 17 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2066–2067.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary is to be held on the Tuesday after the fourth Monday in March, March 29, 1988 (§ 9-464, Supp.). The name of a candidate shall be placed on the ballot at a primary of a party either: (a) by direction of the Secretary of State when he determines within the time specified that the candidacy of such person for such party's nomination for president is generally and seriously advocated or recognized according to reports in the national or state news media, unless such candidate files a request to omit his name; or (b) by petition to the Secretary of State (§9-465, Supp.).

1. *Primary Ballot:*
The secretary shall, at ten o'clock a.m. on the sixtieth day preceding the day of the primary, publicly announce a list of candidates whose names are to be placed on the ballot of each party at such primary pursuant to subsection (a) of section 9-465. Forthwith upon announcing such list, said secretary shall notify each such candidate, by registered mail with return receipt requested, that his name will be included on the ballot unless he files with the Secretary, not later than four o'clock p.m. of the thirty-sixth day before the primary, a written request, signed by the candidate, to the following effect: "I request that my name be omitted from the ballot at Connecticut's forthcoming . . . (name of party) presidential preference primary". The name of any candidate who files a request as provided by this section, within the time specified, shall be omitted from the ballot, but no such with-

drawal shall be honored if it is received later than the time specified by his section (§ 9-466, supp.)

2. *Candidate List:*
On or after twelve o'clock noon of the sixtieth day preceding the day of the primary, any person seeking the nomination of a party for president, whose name is not included in the list of candidates announced by the Secretary pursuant to section 9-466, or any person advocating the nomination of such person, by such party, may obtain petition pages from the Secretary in the manner provided by this section. Such pages shall be in a form prescribed by the Secretary and shall conform, as nearly as may be, to the requirements for primary petition forms provided in section 9-410. Any person requesting the petition pages shall give to the Secretary, in writing, his name and address, the name and address of the candidate for whom the petition is to be circulated and the party holding the primary, and shall also file, or cause to be filed, with said Secretary a written statement, signed by such candidate, to the effect that he consents to the inclusion of his name on the primary ballot of such party. Upon completion of these requirements, the Secretary shall give to the person so requesting such petition pages a number of pages sufficient to contain at least two times the number of signatures required in accordance with the provisions of section 9-468. The Secretary shall also fill in on each petition page the name and address of the candidate, the words "nomination for president of the United States" as the designation of the office sought, and the name of the party conducting the primary (§ 9-467, Supp.).

3. *Candidate Petition for Ballot Inclusion:*
Such petitions shall be circulated, filed with the registrars of voters, and verified by said registrars, as nearly as may be, in accordance with the provisions of sections 9-410 and 9-412. Each page of such a petition shall be filed with the registrar of voters of the party holding the primary in the town of voting residence of the signers thereof, not later than four o'clock p.m. of the forty-sixth day preceding the day of the primary; and such registrar shall verify the signatures on each such page and forward it to the secretary not later than four o'clock p.m. of the forty-second day preceding the day of the primary. If, prior to such last day for filing such pages with the registrar, such a petition was issued under section 9-467, the office or office facilities of each registrar of such party in each town shall open not later than one o'clock p.m. and remain open until at least four o'clock p.m., and each such registrar or his deputy assistant registrar shall be present therein (§9-468, Supp.). The Secretary shall complete tabulation of the signatures on each petitions not later than the thirty-sixth day preceding the day of the primary. The secretary shall place on the ballot of each party at the primary the name of each candidate whose petition has been signed by a number of enrolled members of such party equal to at least one per cent of the total number of enrolled members of such party in the state, according to the most recent

enrollment records on file in the office of the Secretary. No candidate who has filed a statement of consent pursuant to the provisions of section 9-467 and whose name is placed on the ballot pursuant to the provisions of this section shall be permitted to withdraw his name from such ballot (§ 9-469, Supp.).

4. *Order of Names on Ballot:*

The Secretary shall determine by lot, in a public ceremony held on the thirty-fifth day preceding the day of the primary, the order in which the names of the candidates will appear on the ballot of each party at such primary; provided that the category "uncommitted" shall appear last on such ballots. Notwithstanding any provision of the general statutes to the contrary, no candidate shall be designated on the ballot as the party-endorsed candidate. The names of such candidates shall appear, in the order so determined by the Secretary, in the first vertical column of the voting machine. Such column shall be designated "Nomination for President of the United States"; provided if the number of candidates is such that there is an insufficient number of places in such column, the Secretary shall determine whether the names of the candidates shall also extend, in the order so determined, to the second and succeeding columns as may be necessary, or shall appear on the first and succeeding horizontal rows as may be necessary. Such columns or rows shall be designated as hereinabove provided. Except as otherwise provided in this chapter, the form of the ballot shall be prescribed by the Secretary and shall conform, as nearly as may be, to the provisions of section 9-437 (§ 9-470, Supp.).

5. *Allocation of Delegates:*

Not later than the fourteenth day before the day of the primary, the chairman of each party shall certify in writing to the Secretary the number of delegates to which such party is entitled pursuant to its rules. If such rules provide that such delegates are to be chosen from districts, the chairman shall also certify the number of delegates allocated to each district and the number to be selected at large, if any. If such rules prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for such candidates at the primary, the chairman shall also certify such formula and all information necessary for the application of such formula to the results of the primary. The chairman shall furnish to the Secretary, upon request, a written interpretation or explanation of any application of such formula (§ 9-473, Supp.).

If a party's chairman has certified a formula in accordance with the provisions of section 9-473, the Secretary shall calculate the number of delegates allocated to each of such party's candidates, pursuant to such formula, except as provided in section 9-483 (§ 9-483, Supp.).

If a party's chairman did not certify a formula pursuant to section 9-473, or if the application of the formula so certified requires all delegates to be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates, the Secretary shall determine the number of delegates to be so allocated to each candidate of each such party in accordance with the provisions of this section.

Such determination shall be made separately for delegates to be selected at large and delegates to be selected from each district. Any percentage required to be determined, in accordance with the provisions of this section, shall be rounded off to the nearest one-tenth of one per cent. As used in this section, "minimum percentage" means the ratio, expressed as a percentage, that the number one bears to the total number of delegates to be selected, but in no event shall such percentage exceed twenty-five per cent.

The Secretary shall calculate the minimum percentage, as defined in subsection (b) of this section, using the number of delegates to be selected at large and, if applicable, the number of delegates to be selected from each district respectively. Except as provided in this subsection, a candidate's percentage of the total votes cast for all candidates in the state or in a district must equal or exceed such minimum percentage in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The Secretary shall determine each candidate's percentage of the total votes cast for all candidates in the state and in each district. In the event two or more candidates have received a percentage of such total votes cast equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage, which shall be each such candidate's percentage of the total votes cast for all such candidates, excluding the votes cast for all other candidates. The Secretary shall then calculate the product of each such candidate's adjusted percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allocated to each such candidate except as hereinafter provided. (1) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off, and if necessary one delegate shall also be subtracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected. (2) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected.

In the event one or no candidate has received a percentage of the total number of votes cast for all candidates equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage for each of the candidates receiving the greatest and second greatest number of votes cast for all candidates. The adjusted percentage shall be such candidate's percentage of the total number of votes cast for both such candidates, excluding the total number of votes cast for all other candidates. The Secretary shall determine the number of delegates allocated to each candidate by using the same procedure as prescribed in subsection (c) of this section (§ 9–484, Supp.).

C. STATUTORY INSTRUCTIONS

The Secretary shall certify to the chairman, each candidate and the national committee of the party, the number of such party's at large and district delegates allocated to each candidate in accordance with the provisions of said sections. Each party shall select a number of delegates, both at large and from each district, pursuant to its rules and in accordance with such certification, provided it shall select a number of delegates committed to support each candidate which is not less than the number so allocated to such candidate. If, prior to a party's selection of delegates, a candidate to whom one or more of such party's delegates are allocated files with the Secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates allocated to him, delegates committed to such candidate shall not be selected by such party. Forthwith upon the selection of delegates, the chairman shall certify to the Secretary the name and address of each delegate, the district from which he was selected or that he was selected at large, and the name of the candidate to whom he is committed or that he is uncommitted, as the case may be. If, as a consequence of any such candidate's release of delegates, the number of delegates differs from the number so allocated in accordance with the Secretary's certification, the chairman shall include in his certification a statement to such effect and an accounting of the differences.

The Secretary shall forward a copy of such certification to the national committee of the party and to each candidate to whom at least one delegate is committed. If such certification indicates that the party has not complied with the provisions of this section in its selection of delegates, the secretary shall so inform the chairman, each such candidate and the national committee of the party. If any such candidate files with the Secretary a written objection to any delegate committed to him according to the chairman's certification, the secretary shall inform the chairman and the national committee of the party of such objection. Any dispute over the selection of delegates by a party shall be resolved in such manner as its rules may prescribe.

If, subsequent to the primary, a candidate to whom one or more of such party's delegates are allocated either dies or files with the Secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates committed to him, the commitment of any such delegate to the candidate shall be deemed to have been released (§ 9-485, Supp.).

DELAWARE

Delegates to National Conventions:
Democratic: 19
Republican: 17

A. MANNER OF SELECTION

The method of nominating candidates for the national Electoral College, for offices within a particular political party and for formulation of the party platform may be by convention (Delaware Code Ann., title 15, § 3113).

Democrats:

The Democratic National Convention delegation will be selected in a two-step caucus process beginning with the State representative district caucuses (by state representative districts) on April 18, 1988 and followed by the state convention on May 23, 1988. There will be 10 congressional district delegates, 3 at-large delegates, 2 pledged party and elected official delegates, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2090.).

Republicans:

The Republican National Convention delegation will be comprised of 17 at-large delegates. The delegates will be selected in a two-step caucus process beginning with regional meetings (April 1–30, 1988) and concluding with the State convention on May 14, 1988. (See C.Q. Special Report: The Nominating Process at p. 2090.).

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

DISTRICT OF COLUMBIA

Delegates to National Conventions:
Democratic: 24
Republican: 14

A. MANNER OF SELECTION

Delegates and alternate delegates to the 1988 national conventions of their respective parties will be elected at a primary election held on the first Tuesday in May of each presidential election year (May 3, 1988) (District of Columbia Code, § 1-1306 (b)).

Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary as:

(a) full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board of Elections, no later than sixty days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, the candidate for nomination for President supported by the slate, and by at least one thousand qualified electors of the District of Columbia who are properly registered and are of the same political party as the candidates on such slate;

(b) full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than sixty days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least one thousand qualified electors of the District of Columbia who have properly registered and are of the same political party as the candidates on such slate;

(c) an individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than sixty days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have properly registered and are of the same political party as the candidate; or

(d) an individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than sixty days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least one thousand qualified electors of the District of Columbia who have properly registered and are of the same political party as the candidate (§ 1-1306(b)(3)(A)).

No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate (§ 1-1306(b)(3)(B)).

Democrats:

The Democratic National Convention delegation will be composed of 24 delegates. There will be 11 municipal district delegates elected at the May 3, 1988 presidential preference primary. After the primary, the District of Columbia Democratic Committee will select the remaining delegates: 3 at-large, 2 pledged party and elected officials, and 8 superdelegates. The democratic delegates are allocated to the presidential candidates receiving a 15 percent threshold in accordance with the primary results. (See C.Q. Special Report: The Nominating Process at p. 2083)

Republicans:

The Republican National Convention delegation will be composed of 14 at-large delegates. These delegates will be allotted to the candidates in a proportional representation method of allocation which will be based on the results of the May 3, 1988 presidential preference primary. (See, C.Q. Special Report: The Nominating Process at p. 2083)

B. PRESIDENTIAL PREFERENCE PRIMARY

The District of Columbia Board of Elections shall, on the first Tuesday in May, (May 3, 1988) of each presidential election year, conduct a presidential preference primary in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

A candidate for nomination for President in such primary must file with the board of elections no less than 60 days before the date of the presidential primary election a petition on behalf of his candidacy signed by the candidate and at least 1,000 qualified and registered electors who are of the same political party as the nominee (§ 1-1306(b)(1), (2)).

C. STATUTORY INSTRUCTIONS

The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected at the presidential preference primary, shall only be obliged to vote for the candidate whom they have selected to represent in accordance with properly promulgated rules of the political party, on the first ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegates are committed withdrawn his candidacy, whichever first occurs (§ 1-1306(b)(5)).

FLORIDA

Delegates to National Conventions:
Democratic: 146
Republican: 82

A. MANNER OF SELECTION

The State of Florida shall hold a presidential preference primary for the selection of delegates on the second Tuesday in March, i.e., March 8, 1988 (Florida Statutes Annotated, § 103.101).

Democrats:

The Democratic National Convention delegation will be selected after the March 8, 1988 presidential preference primary in a caucus procedure. The delegation is to be chosen to reflect the results of the primary vote in a proportional representation method of allocation of congressional district delegates to winning candidates at caucuses held on March 26, 1988. A 15 percent threshold is required to receive delegates. The State committee selects the remaining delegates on May 7, 1988. There will be 89 congressional district delegates, 29 at-large delegates, 18 pledged party and elected officials, and 10 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2017.)

Republicans:

The Republican National Convention delegation will select its delegates in a caucus procedure after the March 8, 1988 presidential preference primary. The method of allocation of delegates to winning candidates will be the winner-take-all method. The winning candidate in the congressional district takes all the district delegates. The winning candidate statewide takes all of the at-large delegates. There will be 64 congressional district delegates and 18 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2017.)

B. PRESIDENTIAL PREFERENCE PRIMARY

Each political party other than a minor political party shall, on the second Tuesday in March in each year the number of which is a multiple of 4 (March 8, 1988), elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule (§ 103.101(1)).

By December 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidenital preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in January each year a presidential preference primary election is held. Each person designated as a presidential candidate shall have his name appear, or have his delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The presidential candidate selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in January each year a presidential preference primary is held. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested. Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his name on the ballot. Such request shall be made no later than the second Tuesday after the first Monday in January (§ 103.101(2)).

A candidate's name shall be printed on the presidential preference primary ballot unless he submits to the Department of State, prior to the second Tuesday after the first Monday in January, an affidavit stating that he is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the State executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in January, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot (§ 103.101(3)).

The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in the other State elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the president candidates for that political party may not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a political party has only one presidential candidate, neither the name of the candidate nor the names of the candidate's delegates shall be printed on the ballot (§ 103.101(4)).

The state executive committee of each party, by rule adopted at least 120 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any rule adopted by the executive committee shall be filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and shall notify the State executive committee of each political party of any ballot limitations. The Department of State may promulgate rules for the orderly conduct of the presidential preference primary ballot. Delegates must qualify no later than the second Friday in January in the manner provided by party rule. All delegates shall be allocated as provided by party rule (§ 103.101 (5), (6), (7)).

C. STATUTORY INSTRUCTIONS

None.

GEORGIA

Delegates to National Conventions:
Democratic: 86
Republican: 48

A. MANNER OF SELECTION

There is no specific statutory provision regulating the election or selection of delegates to national conventions. The law does state, "each political party shall establish and maintain a State executive committee exercising statewide jurisdiction and control over party affairs, and a county executive committee in each county in which it holds a primary, exercising county-wide jurisdiction and control over party affairs. A party may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the State executive committee. Each committee shall be presided over by a chairman and shall have a secretary and each other officers as deemed advisable. Georgia will have a presidential primary on March 8, 1988.

The State executive committee of each political party or body shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are selected, as well as adopt any other rule not inconsistent with this article. (Code of Georgia, § 21–2–195).

Democrats:

The Democratic National Convention delegation will be selected in a caucus procedure after the presidential primary. The selection of delegates will reflect the results of the primary in a proportional representation method of allocation of delegates to candidates receiving a 15 percent threshold of the congressional district and statewide vote. Delegates are slated in preference caucuses on January 30, 1988, and they are allocated to candidates after the primary using a proportional representation bonus delegate plan. Georgia will send the following delegates to the national convention: 50 congressional district, 17 at-large, 10 pledged party and elected officials, and 9 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2024.).

Republicans:

The Republican National Convention delegation will be selected after the primary and will be based on the results of the primary. The method of allocation of the delegates will be the winner-take-all method. The winning candidate in the congressional district will take all of the district's delegates. And the winning candidate statewide will take all of the at-large delegates. Congressional district conventions are scheduled on April 16, 1988, and the State correction is scheduled on May 20–21, 1988. Georgia Republicans will be sending 30 congressional district delegates and 18 at-large delegates to the Republican National Convention. (See C.Q. Special Report: The Nominating Process at p. 2024.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on March 8, 1988. A presidential preference primary shall be held in 1976 and every four years thereafter for each political party or body which has cast for its candidates for President and Vice President in the last presidential election more than 20 percent of the total vote cast for President and Vice President in the state, so that the electors may express their preference for one person to be the candidate for nomination by his party or body for the office of President of the United States; provided, however, that no elector shall vote in the primary of more than one political party or body in the same presidential preference primary. The dates upon which such primary shall be held in each year in which a presidential election shall occur shall be fixed by the joint action of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Secretary of State, the Attorney General, the chairman of each political party, and the members of the State Election Board; such primary shall be held no earlier than March 1 and not later than June 1. The action of such officers to select such date shall be taken at least six months prior to the date selected. A State political party or body may by rule choose to elect any portion of its delegates to that party's or body's presidential nominating convention in the primary; and, if a State political party or body chooses to elect any portion of its delegates, such state political party or body shall establish the qualifying period for those candidates for delegate and delegate alternate positions which are to be elected in the primary and for any party officials to be elected in the primary and shall also establish the date on which State and county party executive committees shall certify to the Secretary of State or the superintendent, as the case may be, the names of any such candidates who are to be elected in the primary (§ 21-2-191).

The name of any candidate for a political party or body nomination for the office of the President of the United States shall be printed upon the ballot used in such primary upon the direction of a presidential candidate selection committee composed of a nonvoting chairman who shall be the Secretary of State, and the Speaker of the House of Representatives, the majority leader of the Senate, the minority leaders of both the House and Senate, and the chairman of the political parties and bodies who conduct a presidential preference primary pursuant to Code Section 21-2-191. The Secretary of State, during the first week in December of the year preceding the year in which a presidential preference primary is held, shall prepare and publish a list of names of potential presidential candidates who are generally advocated or recognized in news media throughout the United States as aspirants for that office and who are members of a political party or body which will conduct a presidential preference primary in this state; provided, however, that the Secretary of State shall not include on such list the name of any potential presidential candidate who, if elected to the Office of President of the United States, would be ineligible under the Constitution and laws of the United States to serve in such elected office. The Secretary of State shall submit such list of names of potential presidential candidates to the selection committee during the second week in December of the year preceding the year in which a presidential preference primary is held. The selection committee shall meet in Atlanta during the third week in December of the year preceding the year in which a presidential preference primary is held, on a date publicly announced by the chairman. Each person designated by the Secretary of State as a presidential candidate shall appear upon the ballot of the appropriate political party or body unless all committee members of the same political party or body as the candidate agree to delete such candidate's name from the ballot. The selection committee shall publicly announce and submit the names of presidential candidates who shall appear on the presidential primary ballot to the Secretary of State no later than the end of the fourth week of December of the year preceding the year a presidential preference primary is held. Not later than January 1 of each year in which a presidential preference primary is held, the Secretary of State shall notify each potential presidential candidate designated by the committee for inclusion on the primary ballot. Such notification shall be in writing by registered certified mail with return receipt requested (§ 21-2-193(a)).

Any presidential candidate whose name is not selected by the Secretary of State or whose name is deleted by the selection committee may request, in writing, to the chairman of the selection committee, prior to January 6 of each year in which a presidential preference primary is held, that his name be placed on the ballot. Not earlier than January 6, nor later than January 10, the Secretary of State shall convene the committee to consider such requests; provided, however, that the committee shall not consider any requests to place the name of any potential presidential candidate on the ballot if such potential presidential candidate, if elected to the office of President of the United States, would be ineligible. If any member of the selection committee of the same political party or body as the candidate requests that such candidate's name be placed on the ballot, the committee shall direct the Secretary of State to place the candidate's name on the ballot. Within five days after such meeting, the Secretary of State shall notify the potential presidential candidate whether or not his name will appear on the ballot (§ 21-2-193(b)).

C. STATUTORY INSTRUCTIONS

Any person selected as a delegate or delegate alternate to such national convention shall file a qualification oath with the Secretary of State pledging support at the convention to the candidate of their political party or body for the office of President of the United States for whom they are selected to support. The oath shall state that the delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention, or receives less than thirty-five percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge. No delegate shall be required to vote for such candidate after two convention nominating ballots have been completed (§ 21-2-196).

HAWAII

Delegates to National Conventions:
Democratic: 25
Republican: 20

A. MANNER OF SELECTION

The delegates to the national conventions from Hawaii are elected at State conventions held by the political parties.

Democrats:
The Democratic National Convention delegation will be selected in a caucus-convention procedure. Precinct caucuses will be held on March 8, 1988, and a presidential preference vote will be taken which will determine the allocation of 20 of the national convention delegates to the presidential candidates. The state convention will be held on May 29, 1988 at which the delegates will be selected. The Democratic National Convention delegation will include: 13 congressional district delegates, 4 at-large delegates, 3 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2029.)

Republicans:
The Republican National Convention delegation will be chosen in a caucus-convention procedure. The Republican precinct caucuses will be held on January 27, 1988 and will have a non-binding straw vote on the presidential candidates. The State convention on May 6–8, 1988 will actually select the delegates. The Republican delegation will have 6 congressional district delegates and 14 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2029.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

IDAHO

Delegates to National Convention:
Democratic: 23
Republican: 22

A. MANNER OF SELECTION

The Idaho election laws provide that each State convention shall write and adopt rules and regulations governing the conduct of their respective convention.

At their convention each political party may in the year of presidential elections elect delegates to the national convention in the manner prescribed by national party rules (Idaho Code, § 34–707).

Delegates are also elected at a presidential preference primary held on the fourth Tuesday in May of each presidential year, i.e., May 24, 1988 (§ 34–731). No later than ten (10) days prior to the presidential primary election, each candidate for nomination by a party for president, or a designated representative of such candidate, shall file with the Secretary of State a list of names and addresses of persons proposed by that candidate to be delegates to the national convention of the party of that candidate. The number of names set forth on such list of proposed delegates shall be equal to the number of delegates and alternates to the national party convention as are allotted to Idaho for that year by the national committee of that party. No person's name shall be placed on such a list of proposed delegates unless that person has attained the age of eighteen (18) years at the time said delegates' list is filed, is a citizen of the United States, is a qualified elector of the State of Idaho, and has resided in the State of Idaho for at least one (1) year next preceding filing of said list. The qualifications of each person, whose name appears on such list of proposed delegates, shall be verified by an affidavit of the candidate, or a representative of the candidate, and said affidavit shall be attached to said list so filed. The form of said affidavit shall be determined by the Secretary of State (§ 34-735).

Upon completion of the State canvass of the results of the presidential primary, the Secretary of State shall certify to the State chairman of each political party participating in the presidential primary the number of votes received by each candidate of that party and the number of votes for an uncommitted delegation received by that party (§ 34-736(1)). Each political party shall then select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party, according to the provisions of the following subsections of this section (§ 34-736(2)).

Eighty percent of such delegates and eighty percent of such alternates to a national party convention shall be selected by a party at its state convention, or as the party rules otherwise provide, from among:

(a) the persons named on the lists of proposed delegates to the national conventions filed with the secretary of state by that party's respective candidates for nomination by the party for President of the United States; and

(b) the persons selected by that party at its state convention, or as the party rules, otherwise provide, to comprise any uncommitted delegation (§ 34-736(3)).

The number of delegates and the number of alternatives selected by a party from a candidate's list of proposed delegates, or selected by that party to comprise any uncommitted delegation, shall bear the same proportion to eighty percent (80%) of the total number of delegates and alternates allotted to such party as the total vote received by each candidate or uncommitted delegation bears to the total combined vote cast in said primary election for all candidates and uncommitted delegation, if any, receiving more than five percent (5%) of the votes cast for that party. Upon determination of the number of delegates and alternates that shall be selected from each candidate's list of proposed delegates and that shall be selected to comprise an uncommitted delegation, if any, the party shall then select delegates and alternates to that party's national convention in that respective number from each such list and to comprise the uncommitted delegation, if any. The delegates and alternates comprising any such uncommitted delegation shall be selected as the party rules determine (§ 34-736(4)).

Twenty percent of the delegates and twenty percent of the alternates to a national party convention as are allotted to a party by the national committee of that party shall be selected as delegates and alternates to the national convention of that party as the party rules may determine (§ 34-736(5)).

In the event a candidate in the presidential preference primary fails to file with the Secretary of State a list of proposed delegates to his party's national convention, or to the extent that such a list of proposed delegates provided by such candidate fails to name a sufficient number of persons qualified for the office of delegate, such number of delegates and alternates, as would be selected from said candidate's list of proposed delegates according to the election results, shall be selected by the party as delegates and alternates to that party's national convention, as the party rules may determine (§ 34–736(6)).

In calculating the apportionment of delegate votes in conjunction with the selection of delegates and alternates, as provided for in this section, such proportions of delegate votes shall be expressed as decimal-fractional votes or the nearest whole number of delegate votes as the rules of the particular national party or convention may provide (§ 34–736(8)).

There shall be no unit rule applied to or by the delegation of any party to that party's national convention. No party or delegation shall commit or instruct delegates and alternates selected from that party's candidates' lists of proposed delegates or selected as uncommitted delegates and alternates. Other delegates and alternates may be committed and/or instructed as the party rules may provide (§ 34–736(9)).

Democrats:

The Democratic National Convention delegation will be selected in a two-step caucus process. The method of allocation of the national convention delegates is the proportional representation method with a 15 percent threshold required which will be based on the county caucus presidential preference votes. Eighteen delegates will be at stake when county caucuses meet on March 8, 1988. The allocation to presidential candidates of the Democratic delegation will be based on the presidential preference vote of the county caucuses and not on the presidental preference primary vote on May 24, 1988. The State convention is scheduled for June 18, 1988. The Democratic delegation will include the following delegates: 12 congressional district delegates, 4 at-large delegates, 2 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2046.)

Republicans:

The Republican Party in Idaho will chose 18 delegates in a proportional representation method of allocation of delegates to reflect the results of the May 24, 1988 presidental preference primary. A 5 percent threshold is required by presidential candidates to receive delegates. Four other at-large delegates will be selected at the State convention on June 16–19, 1988. (See C.Q. Special Report: The Nominating Process at p. 2046.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary shall be held on the fourth Tuesday in May of each presidential year, i.e., May

24, 1988 (§ 34-731). For the Democratic Party, this presidential primary is advisory only; thus, it has no effect on the delegates selected. The Republican Party will choose 18 delegates at the primary.

Each qualified elector shall have the opportunity to vote on the official presidential preference primary for one person to be the candidate for nomination by a party for president of the United States. The name of any candidate for a political party nomination for President of the United States shall be printed on the ballots only:

(a) if the Secretary of State shall have determined, in his sole discretion, that the person's candidacy is generally advocated or recognized in national news media throughout the United States. For the purpose of promoting the aspect of a regional primary in this regard, the Secretary of State may consult with the chief election officers of neighboring states which conduct a presidential primary election on the fourth Tuesday in May. The Secretary of State shall publish the names of such persons determined by him to be such candidates, together with their party affiliation, not less than sixty (60) days prior to the date of the presidential preference primary;

(b) if a petition for nomination meeting the requirements of subsection 3 of this section is filed with the Secretary of State by members of a political party to which the candidate belongs;

(c) the petition referred to in subsection (b) hereof shall:

(1) have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to one percent of the number of votes cast in this State for presidential electors at the previous general election at which a President of the United States was elected;

(2) be filed with the Secretary of State not later than thirty (30) days prior to the date of the presidential preference primary;

(3) the format of the signature petition sheets shall be prescribed by the Secretary of State and shall be patterned after, but not limited to, such sheets as used for State initiative and referendum measures;

(4) the petitions and signatures so submitted shall be verified in the manner prescribed in section 34-1807, Idaho Code (§ 34-732).

The Secretary of State shall forthwith notify each person whom he has nominated and each such person nominated by petition in writing by registered mail that such person's name will be printed as a candidate on the Idaho presidential preference primary ballot. In the event the Secretary of State is informed of a candidate's death or incapacity, the Secretary of State may, in his sole discretion, remove the name of such nominated candidate from the ballot, but not later than thirty (30) days prior to said election. No declaration of candidacy or affidavit of candidacy shall be required of any candidate as a condition for printing the name of that candidate on the official ballot used in the presidential preference primary (§ 34-733). At a presidential preference primary, qualified electors may vote for candidates for nomination for President of the United States from among the candidates of one political party only. The elector shall be able to cast his ballot for one of the presidential candidates of his party, or for "none of the names shown." A vote of the latter kind shall express the preference for an uncommitted delegation from Idaho to the national convention of that elector's party (§ 34-734).

C. STATUTORY INSTRUCTIONS

There shall be no unit rule applied to or by the delegation of any party to the party's national convention. No party or delegation shall commit or instruct delegates and alternates selected from that party's candidates' lists of proposed delegates or selected as uncommitted delegates and alternates. Other delegates shall be committed and/or instructed as the party rules may provide (§ 34-736(9)).

ILLINOIS

Delegates to National Conventions:
Democratic: 187
Republican: 92

A. MANNER OF SELECTION

Not less than 61 days before the date of the primary the State Board of Elections shall meet and shall examine all petitions filed under Article 7, in the office of the State Board of Elections. The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates for the President of the United States, and of all candidates for members of the State central committee, and of all candidates for delegates and alternate delegates to national nominating conventions, and of all candidates for nomination for all offices, as specified in the petitions for nomination on file in the office of the State Board of Elections, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination, or for committeemen, as specified in the petitions (Illinois Annotated Statutes, ch. 46, 7-14).

Selection of delegates and alternate delegates.

Delegates and alternate delegates to national nominating conventions shall be chosen according to one of the following alternative methods of allocating delegates for election. The State central committee of each political party established pursuant to this Article 7 shall certify to the State Board of Elections, not less than 30 days prior to the first date for filing of petitions for election as delegate or alternate delegate to a national nominating convention, which of the following alternatives it wishes to be utilized in allocating the delegates and alternate delegates to which Illinois will be entitled at its national nominating convention. The State Board of Elections shall promptly and, not less than 20 days prior to the first date for filing of such petitions, shall publish and certify to the county clerk in each county the number of delegates or alternate delegates to be elected from each congressional district or from the State at large or

State convention of a political party, as the case may be, according to the method chosen by each State central committee. If a State central committee fails to certify to the State Board of Elections its choice of one of the following methods prior to the aforementioned meeting of the State Board of Elections, the State Board of Elections shall certify delegates for that political party pursuant to whichever of the alternates below was used by that political party in the most recent year in which delegates were selected, subject to any subsequent amendments.

Prior to the aforementioned meeting of the State Board of Elections at which the Board shall publish and certify to the county clerk the number of delegates or alternate delegates to be elected from each congressional district or the State at large or State convention, the Secretary of State shall ascertain from the call of the national convention of each political party the number of delegates and alternate delegates to which Illinois will be entitled at the respective national nominating conventions. The Secretary of State shall report the number of delegates and alternate delegates to which Illinois will be entitled at the respective national nominating conventions to the State Board of Elections convened as aforesaid to be utilized by the State Board of Elections in calculating the number of delegates and alternates to be elected from each congressional district in the State at large or State convention, as the case may be (§ 7-14.1, Supp.).

Alternative A: The State Board of Elections shall allocate the number of delegates and alternate delegates to which the State is entitled among the congressional districts in the State.

(a) Of the number of delegates to which the State is entitled, 10, plus those remaining unallocated under paragraph 2, shall be delegates at large. The State central committee of the appropriate political party shall determine whether the delegates at large shall be elected in the primary from the State at large, selected by the State convention, or chosen by a combination of these two methods. If the State central committee determines that all or a specified number of the delegates at large shall be elected in the primary, the committee shall file with the Board a report of such determination at the same time it certifies the alternative it wishes to use in allocating its delegates.

(b) All delegates other than the delegates at large shall be elected from the congressional districts. Two delegates shall be allocated from this number to each district. After reserving 10 delegates to be delegates at large and allocating 2 delegates to each district, the Board shall allocate the remaining delegates to the congressional districts pursuant to the following formula:

(1) for each district, the number of remaining delegates shall be multiplied by a fraction, the numerator of which is the vote cast in the congressional district for the party's nominee in the last presidential election, and the denominator of which is the note cast in the State for the party's nominee in the last presidential election;

(2) the Board shall first allocate to each district a number of delegates equal to the whole number in the product resulting from the multiplication procedure in subparagraph (1);

(3) the Board shall then allocate any remaining delegates, one to each district, in the order of largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (1), omitting those districts for which the product is less than 1.875;

(4) the Board shall then allocate any remaining delegates, one to each district, in the order of the largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (1), among those districts for which that product is at least one but less than 1.875.

(5) any delegates remaining unallocated shall be delegates at large and shall be selected as determined by the State central committee under paragraph (a) of this *Alternative A.*

(c) The alternative delegates at large shall be allocated in the same manner as the delegates at large. The alternative delegates other than the alternate delegates at large shall be allocated in the same manner as the delegates other than the delegates at large (§ 7-14.1, Supp.)

Alternative B: The chairman of the State central committee shall file with the State Board of Elections a statement of the number of delegates and alternate delegates to which the State is entitled and the number of such delegates and alternate delegates to be elected from congressional districts. The State Board of Elections shall allocate such number of delegates and alternate delegates, as the case may be, among the congressional districts in the State for election from the congressional districts (§ 7-141, Supp.). (See the formulae for determining the selection of delegates from each congressional district in section 7-14.1, Supp.)

Statements to be filed by delegates and alternate delegates:

(A) Except as otherwise provided in paragraph (C), a candidate for delegate or alternate delegate to a national nominating convention shall file with the State Board of Elections at the time of filing the statement of candidacy described in Section 7-10, a statement declaring the name of his preference for President of the United States or that he is uncommitted.

(B) The following procedure shall apply to candidates for delegate or alternate delegate to a national nominating convention of a political party whose State Central Committee uses Alternative B of Section 7-14.1. If more candidates for delegate or alternate delegate in a congressional district than have been allocated to that district file statements designating the same presidential candidate as their preference for President of the United States, the presidential candidate so designated or his authorized representative may, within 10 days after the last day for filing such statements, file an affidavit designating which of such candidates he wants to be listed on the ballot as being committed to the presidential candidate. Candidates for delegate or alternate delegate not designated on an affidavit by the presidential candidate shall be listed on the ballot as uncommitted. In no event may the designated person's filing of the affidavit leave fewer candidates listed on the ballot as being committed to him than the number of delegates or alternate delegates allocated to the district.

(C) The State central committee of a political party may choose to file a statement with the State Board of Elections not less than 30 days prior to the first day for filing the statement of candidacy described in Section 7-10, specifying that a candidate for delegate or alternate delegate shall not be required to file an official declaration statement pursuant to this Section.

If the State central committee of a political party specifies that any such official declaration statement is not required to be filed by the candidates for delegates and alternate delegates to the national nominating convention of any such political party, then no such declaration statement shall be required to be made (§ 7-10.3, Supp.).

Democrats:

The Democrats, in Illinois will have a direct election of 113 congressional district delegates at the March 15, 1988 presidential preference primary. The remaining delegates will be chosen at the State Central Committee meeting on May 7, 1988 in a manner that likely will reflect proportionally the preferences of the district delegates elected in the primary. The remaining delegates will include: 37 at-large delegates, 23 pledged party and elected officials and 14 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2061.)

Republicans:

The Republicans will have a direct election of 82 congressional district delegates at the March 15, 1988 presidential primary. The remaining 10 at-large delegates and alternates will be elected at the State convention on June 16-18, 1988 and will be considered as uncommitted delegates. (See C.Q. Special Report: The Nomination Process at p. 2061.)

B. PRESIDENTIAL PREFERENCE PRIMARY

Illinois will hold a presidential preference primary on March 15, 1988. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the State Board of Elections not more than 85 and not less than 78 days prior to the date of the March primary, in any year in which a presidential election is to be held, a petition signed by not less than 3,000 or more than 5,000 primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States who fails to comply with the provisions of this Article shall have his name printed upon a primary ballot (§ 7-11, Supp.).

C. STATUTORY INSTRUCTIONS

The vote for presidential candidate is advisory only, and shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the State at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the national conventions of the respective political parties (§ 7-11, Supp.).

INDIANA

Delegates to National Conventions:
Democratic: 86
Republican: 51

A. MANNER OF SELECTION

Delegates and alternate delegates are elected at the State conventions of political parties which received at least 10 percent of the vote cast for Secretary of State at the last election (Indiana Statutes Annotated, §§ 3-8-4-1 and 3-8-4-15, Supp.).

The State committee of each major political party shall, before the day of the May primary election in even-numbered years (May 3, 1988), fix a date for holding a State convention. The date must be within sixty (60) days after the date of the May primary election, and the convention shall be held in Indianapolis (§ 3-8-4-2, Supp.). Delegates to a State convention shall be chosen from delegate districts in each county. Each delegate district is allotted one (1) delegate for every four hundred (400) votes in the district. If there are two hundred (200) or more votes remaining in a district, the district receives one (1) additional delegate. The county election board shall apportion the votes, although there may not be more than ten (10) delegates from one district (§ 3-8-4-3, Supp.). Each major political party shall elect delegates from each county to the party's State convention at the primary election (§ 3-10-1-4, Supp.).

Democrats:

The Democratic National Convention delegates are actually chosen at the State convention on June 6, 1988. At the May 3, 1988 primary, voters express presidential preference and elect state convention delegates. State convention delegates caucus according to their preferences in each congressional district and elect congressional district delegates allocated to each presidential candidate according to the primary vote. After the convention, district delegates meet to choose the remaining delegates who are to be allocated according to the results of the primary vote. Seventy-nine delegates are at stake at the presidential primary on May 3, 1988. The Indiana Democratic delegation will include: 52 congressional district delegates, 17 at-large delegates, 10 pledged party and elected officials, and 6 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2084-2085.)

Republicans:

The May 3, 1988 presidential preference primary determines the allocation of 30 congressional district delegates based on a winner-take-all method of allocation of delegates in the congressional districts. The Republican State Convention on June 9, 1988 will choose 21 at-large delegates and alternates who go uncommitted. (See C.Q. Special Report: The Nominating Process at pp. 2084-2985.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A candidate for nomination for the office of President of the United States shall, at least sixty (60) days and not more than ninety (90) days before the primary election held in the year in which a President is to be elected (May 3, 1988), file with the Secretary of State a written request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking (§§ 3-8-3-1, 3-10-1-3 Supp.). A request must be accompanied by a petition signed by at least five thousand (5,000) voters of the State, including at least five hundred (500) voters from each congressional district. Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence mailing address of each petitioner (§ 3-8-3-2, Supp.).

Such a petition must request that the candidate's name be placed on the ballot at the primary election. In order for the Secretary of State to consider a petition valid, the circuit court clerk or board of registration in the county where the petitioner is registered must certify each petitioner is a voter of the county. The certification must accompany and be part of the petition. If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district (§ 3-8-3-3, Supp.). Such a petition must be submitted to the circuit court clerk or board of registration during the period beginning January 1 of the year in which the primary election will be held and ending seventy (70) days before the primary election (§ 3-8-3-4, Supp.). Such a request or petition is not valid unless received in the office of the Secretary of State by noon Indianapolis time on the sixtieth day before a primary election (§ 3-8-3-5, Supp.).

Immediately after the deadline for filing, the Secretary of State shall certify and release to the public a list of the candidates for each political party. The Secretary of State shall also release to the public a list of all requests whose validity is questioned (§ 3-8-3-6, Supp.).

C. STATUTORY INSTRUCTIONS

A delegate or alternate delegate selected from a congressional district to the national convention of a political party shall, on the first ballot at the national convention, support the candidate for President of the United States who received the highest number of votes in the congressional district at the primary election if the person is in fact a candidate at the convention. A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention (§ 3-8-3-11, Supp.).

IOWA

Delegates to National Conventions:
Democatic: 58
Republican: 37

A. MANNER OF SELECTION

Delegates to the national conventions of the respective political parties are selected by custom by State and congressional district conventions comprised of delegates selected at county conventions, as set forth in the party rules.

Delegates to county conventions of political parties and party committee members shall be elected at precinct caucuses held not later than the fourth Monday in February of each even-numbered year. The date shall be at least eight days earlier than the scheduled date for any meeting, caucus or primary which constitutes the first determining stage of the presidential nominating process in any other State, territory or any other group which has the authority to select delegates in the presidential nomination. The State central committees of the political parties shall set the date for their caucuses. The county chairperson of each political party shall issue the call for the caucuses. The county chairperson shall file with the commissioner the meetingplace of each precinct caucus at least seven days prior to the date of holding the caucus.

There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall forthwith certify to the county central committee and the county commissioner the names of those elected as party committee members and delegates to the county convention.

The central committee of each political party shall notify the delegates and committee members so elected and certified of their election and of the time and place of holding the county convention. Such conventions shall be held either preceding or following the primary election but no later than ten days following the primary election and shall be held on the same day throughout the State (Iowa Code Annotated, § 43.4, Supp.).

Delegates shall be persons who are or will by the date of the next general election become eligible electors and who are residents of the precinct. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective party county central committees, and a statement designating the number from each voting precinct in the county shall be filed by such committee not later than the time the list of precinct caucus meetings is required to be filed in the office of the commissioner. If the required statement is not filed, the commissioner shall fix the number of delegates from each voting district (§ 43.90, Supp.). The State convention is held either preceding or following the primary election at a time and place designated by the State central committee (§ 43.107, Supp.). There is no specific statute governing selection of national convention delegates. It is stated that "the State central committee . . . may organize at pleasure for political work as is usual and customary with such committees" (§ 43.111, Supp.).

Democrats:
The Democratic delegates to the national convention are selected in a four-step caucus-convention process: precinct caucuses (Feb. 8, 1988), county conventions (March 26, 1988), congressional district conventions (May 14, 1988), and the State convention (June 25, 1988). The national convention delegates will be selected at the congressional district conventions and the State convention. Fifty-two delegates are at stake at the Feb. 8 caucuses. Delegates in the four-step caucus-convention process are required to indicate candidate preference or an uncommitted status. The Democratic delegation will be comprised of: 34 congressional district delegates, 11 at-large delegates, 7 pledged party and elected officials, and 6 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 1996–1997.)

Republicans:
The Republican National Convention delegation from Iowa will be selected in a four-step caucus-convention process: precinct caucuses (Feb. 8, 1988), county conventions (March 5, 1988), congressional district conventions (June 24, 1988), and the State convention (June 25, 1988). The precinct caucuses on February 8 conduct a straw vote for the presidential candidates. The 18 congressional district delegates and the 19 at-large delegates will be selected at the congressional district conventions and the State convention. (See C.Q. Special Report: The Nominating Process at pp. 1996–1997.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

KANSAS

Delegates to National Conventions:
Democratic: 43
Republican: 34

A. MANNER OF ELECTION

Delegates and alternates to a national party convention shall be selected by a party at its State convention, or as the party rules otherwise provide, from among: (a) the persons named on the lists of proposed delegates and alternates to the national conventions file with the Secretary of State by that party's respective candidate for nomination by the party for President of the United States; and (b) the persons selected by that party at its State convention, or as the party rules otherwise provide, to compromise any uncommitted delegation.

Democrats:
The delegates to the Democratic National Convention are selected in a three-step caucus process: county caucuses (March 18, 1988), congressional district conventions (April 23, 1988), State committee (May 14, 1988). Thirty-nine delegates are at stake at the county caucuses on March 18, 1988. The congressional district conventions and the State committee will select: 26 congressional district delegates, 8 at-large delegates, 5 pledged party and elected officials and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2014–2015.)

Republicans:
The Republican delegation to the national nominating convention will be selected in a three-step caucus process: county caucuses, congressional district conventions (Feb. 1–7, 1988), and the State convention (March 5, 1988). The congressional district conventions will elect 15 congressional district delegates, and the State convention will elect 19 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2014–2015.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

KENTUCKY

Delegates to National Conventions:
Democratic: 60
Republican: 38

A. MANNER OF SELECTION

Democrats:
The Democratic National Convention delegation will be selected after the March 8, 1988 presidential primary in a caucus process. The district delegates will be chosen to reflect the results of the primary vote with the requirement of a 15 percent threshold of the vote. Congressional district conventions are scheduled for April 2, 1988. And the State Central Committee meeting is scheduled for June 11, 1988 at which at-large delegates and pledged party and elected official delegates are selected. The Democratic delegation will be comprised of: 36 congressional district delegates, 12 at-large delegates, 7 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2030–2031.)

Republicans:
The Republican National Convention delegation will be selected after the March 8, 1988 presidential preference primary. The method of allocation of the delegates will be the proportional representation method based on the results of the primary, with a 15 percent threshold requirement. Dis-

trict conventions (March 20—April 15) elect district delegates, and the State convention (April 16) elects at-large delegates. There will be 21 congressional district delegates and 17 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2030–2031.)

B. PRESIDENTIAL PREFERENCE PRIMARY

On the second Tuesday in March, in each presidential election year, the Commonwealth of Kentucky shall conduct presidential preference primary elections within each political party (Kentucky Revised Statutes Annotated, § 118.561). (March 8, 1988.).

The State board of elections shall convene in Frankfort sixty (60) days prior to a presidential preference primary. At the meeting required by this section, the board shall nominate as presidential preference primary candidates all those generally advocated and nationally recognized as candidates of the political parties for the office of President of the United States. Immediately upon completion of this requirement, the board shall transmit a list of all such nominees selected to the Secretary of State and shall also release the list to the news media. (§ 118.581, Supp.).

Before any candidate's name is placed upon the official ballot by the Secretary of State for a presidential preference primary in the Commonwealth, the candidate must deposit with the Secretary of State the sum of one thousand dollars ($1,000), which shall be refunded to the candidate by the Secretary of State if the candidate receives three percent (3%) or more of the total vote cast in the presidential preference primary of his political party. (§ 118.611, Supp.).

C. STATUTORY INSTRUCTIONS

The political parties in distributing authorized delegate votes among party candidates shall select one of the following methods of distribution:

(a) The candidates receiving the highest number of votes, provided each candidate receives at least fifteen percent (15%) of the total vote cast by his political party, shall be awarded a pro rata portion of the authorized delegate vote of his political party as follows:

1. Total vote received by the candidates qualifying under the provisions of KRS 118.551 to 118.651 shall, when combined, be equal to one hundred percent (100%);
2. Each such candidate shall share in the total percentage in direct proportion to the total vote received by him mathematically determined to be the percentage of the aggregate vote which represents one hundred percent (100%).
3. Each political party shall appropriate such percentage, as is determined by this section, to the total number of delegate votes as are allotted by the national committee of each party; or

(b) The candidate receiving the highest number of votes cast by his political party shall be awarded a pro rata portion of the authorized delegate vote of his political party in compliance with the state party rules for that party.

Each political party shall, on the first ballot at its national convention, cast this Commonwealth's vote for the candidates as determined by the primary and calculated under this section. (§ 118.601, Supp.).

LOUISIANA

Delgates to National Conventions:
Democratic: 70
Republican: 41

MANNER OF SELECTION

At least 90 days before a presidential preference primary election, the State governing body of each eligible political party shall establish procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates (Louisiana Revised Statutes, title 18, § 1280.27). A recognized political party shall be controlled and directed by one State central committee and a parish executive committee for each parish (§ 442).

Louisiana will have a presidential preference primary on the second Tuesday in March (March 8, 1988).

Democrats:

The Democratic National Convention delegation will be selected after the March 8, 1988 presidential primary in a caucus process. State representative district caucuses meet on March 26 to select the congressional district delegates. The State Committee meets on June 4 to select the remaining delegates. The national convention delegation will be comprised as follows: 41 congressional district delgates, 14 at-large delegates, 8 pledged party and elected officials, and 8 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2032–2033.)

Republicans:

The Republican National Convention delegation will be selected in a caucus procedure. District delegates are slated on January 16 in congressional district caucuses. The primary winner gets all delegates in each district. At-large delegates are slated by presidential candidates for inclusion on the primary ballot. At-large delegates are allocated proportionately to reflect the statewide primary vote. The 24 congressional district delegates and the 17 at-large delegates will be elected to reflect the primary vote. (See C.Q. Special Report: The Nominating Process at pp. 2032–2033.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A statewide presidential preference primary election shall be held on the second Tuesday in March in 1988 (March 8, 1988) and every fourth year thereafter for the purpose of allowing the electors of each political party in the State which has forty thousand or more registered members to express their preference for a person to be the nominee of the party for President of the United States. Each elector voting in such election may vote only for a candidate who is affiliated with the same party as the elector. Notwithstanding any provisions of this Code to the contrary, in any statewide presidential preference primary election, at any precinct where the presidential preference issue or election of political party officals or both are the only matters on the ballot, the number of election commissioners required in such precinct shall be one commissioner-in-charge and two commissioners (§ 1280.21, Supp.).

Candidates for presidential nominee shall qualify in accordance with procedures established by the party. Prior to qualification as a candidate of a political party for presidential nominee, a person shall have qualified as the presidential nominee of that party in two or more other States or shall have obtained a nominating petition, bearing the signatures of no less than five thousand registered voters affiliated with the party and residing in the state.

The qualifying period for presidential candidates shall open on the fourth Wednesday in January and shall close at 5:00 p.m. on the following Friday. During the qualifying period, presidential candidates shall file notices of candidacy with the Secretary of State. A notice of candidacy shall be accompanied by a notarized statement that the person has qualified in two or more other states or that a nominating petition is attached. Each sheet of a nominating petition shall set forth the name of the presidential candidate, as it shall appear on the election ballot, the address of the candidate, the political party with which he is affiliated, and the date of the presidential primary.

Each voter who signs a nominating petition shall include his name and residence address. All persons who obtained signatures shall certify that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine, and all of the statements contained in the petition are true and correct. A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thiry days before the end of the qualifying period. The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers are registered to vote in the parish. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote equals six thousand registered voters. A registrar's certification shall be conclusive as to number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of a presidential candidate filing the nominating petition. (§ 1280.22, Supp.).

At least ninety days prior to a presidential preference primary election, the State governing body of each eligible political party shall establish procedures to be followed in the selection of individual delegates and alternatives to the convention of that party, including procedures for the selection of committed and uncommitted delegates. Delegates shall be allocated among the presidential candidates according to the results of the presidential primary and according to guidelines established by the governing bodies of the respective parties (§ 1280.27, Supp.).

C. STATUTORY INSTRUCTION

None.

MAINE

Delegates to National Conventions:
Democratic: 27
Republican: 22

A. MANNER OF SELECTION

Delegates and alternatives are elected at the State convention of their respective political parties.

Democrats:

The Democratic National Convention delegation will be chosen in a two-step caucus process. The municipal (or ward and precinct) caucuses will meet on February 28, 1988, and the State convention is scheduled for May 13–15, 1988. Twenty-three delegates are at stake at the Feb. 28 caucuses. The actual selection of the national convention delegates will take place at the State convention. The Democratic delegation will be comprised of: 15 congressional district delegates, 5 at-large delegates, 3 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2006–2007.)

Republican:

The Republican National Convention delegation will be chosen at the State convention which is scheduled for April 15–16, 1988. Municipal caucuses will be held earlier on February 26–28, 1988. At the Feb. 26–28 caucuses, 22 delegates will be at stake. At-large delegates are selected at the State convention. The Republican delegation will be comprised of 6 Congressional district delegates and 16 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2006–2007.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY

None.

MARYLAND

Delegates to National Conventions:
Democratic: 78
Republican: 41

A. MANNER OF SELECTION

The total number of delegates and alternate delegates to represent the political parties at their national conventions shall be ascertained and determined by the governing body of each party and certified to the State Administrative Board of Election Laws not later than the first day of March in each year in which national conventions for the nomination of President and Vice President are held (Annotated Code of Maryland, § 12-1a).

Democrats:

Delegates to the Democratic National Convention shall be selected by direct election. In regard to the selection of delegates to each Democratic National Convention, the term "national party rules" means the national party rules of the Democratic Party as they exist 90 days before the State primary election which immediately precedes the Democratic National Convention.

Election of District Delegates: The Democratic State central committee shall certify to the State Administrative Board of Election Laws the number of delegates to be elected in a primary election to the national convention from each congressional district. Not later than 90 days prior to the primary election, the certification shall be made in accordance with the rules of the national and State Democratic Parties. With the written permission of a presidential candidate filed with the State Administrative Board of Election Laws not later than 5 p.m. on the 10th day after the final filing date, a delegate candidate shall have placed adjacent to his name on the ballot the name of a presidential candidate or the word "uncommitted". If a delegate candidate has received permission from a presidential candidate to have the presidential candidate's name placed adjacent to the name of the delegate candidate on the ballot, and such delegate candidate subsequently withdraws as a candidate another delegate candidate shall have placed adjacent to that delegate candidate's name on the ballot the name of that presidential candidate, if the written permission of that presidential candidate with respect to such other delegate candidate is filed with the State Administrative Board of Election Laws not later than the 5th day after the date on which delegate candidates may withdraw their candidacy before the primary election.

Election of At-Large Delegates: After the election of the district delegates, the party and elected official delegates and the at-large delegates shall be chosen according to the national party rules.

Selection of Alternates for Elected Delegates: Alternate delegates shall be selected by primary or committee processes subject to the national party rules which are applicable to the selection of delegates.

Vacancies: Any vacancy in the position of delegate or alternate delegate occurring in the delegate selection process established by this section shall be filled as provided in this subsection. If, because of death or disability, a delegate is unable to select the alternate to take his or her place under the provisions of the national party rules, that selection shall be made by the delegation in a manner which assures that the alternate will be of the same presidential preference (or unpledged status) and, if possible, from the same political subdivision and of the same sex as the delegate replaced. A vacant alternate position shall be filled by the delegation. The replacement shall be of the same presidential preference (or unpledged status), from the same political subdivision, and of the same sex as the alternate being replaced (§ 12-2).

Weight accorded results of presidential primary election: If a presidential primary election for the Democratic Party is required by this article, unless national party rules require otherwise, the results of the election shall be advisory. If national party rules require special recognition of presidential preference primary results, the State convention and the Maryland delegates to the national convention shall comply with those rules.

Delegates to reflect sentiments of those who elected them: Delegates elected to the Democratic National Convention, either uncommitted or pledged to a presidential candidate, shall in all good conscience reflect the sentiments of those who elected them. Notwithstanding any provisions of law to the contrary, delegates elected to the Democratic National Convention shall vote in accordance with party rules (§ 12-3).

Maryland Democratic Party rules: At the presidential primary on March 8, 1988, there will be a direct election of 44 congressional district delegates. The 14 at-large delegates, 9 pledged party and elected officials, and 11 superdelegates will be selected by the Democratic State central committee in a proportional representation method to reflect the results of the presidential preference primary. Sixty-seven delegates are at stake at the March 8 primary. To receive delegates, winning candidates must receive a 15 percent threshold of the vote on a statewide basis. (See C.Q. Special Report: The Nominating Process at pp. 2034-2035.)

Republicans:

The procedure established in this section shall govern the selection of delegates to the Republican National Convention.

Determination of number: The Republican State central committee shall certify to the State Administrative Board of Election Laws the number of delegates to be elected from each congressional district and the number of delegates to be elected at large, respectively, as provided in the rules of the Republican National Convention, not later than the first day of March in each year in which national conventions for the nomination of President and Vice President are held.

Methods of selection: The selection of delegates to the Republican National Convention shall be as follows:

(1) *Election of District Delegates:* (i) There shall be elected at the primary election the number of delegates from each congressional district as provided in the rules of the Republican National Convention.

(ii) Each delegate may have placed adjacent to the delegate's name on the ballot the name of a presidential candidate, provided that the written permission of the presidential candidate has been received by the State Administrative Board of Election Laws not later than 5 p.m. on the 10th day after the final filing date.

(iii) If a delegate candidate has received permission from a presidential candidate to have the presidential candidate's name placed adjacent to the delegate candidate's name on the ballot, and such delegate candidate subsequently withdraws as a candidate, another delegate candidate shall have placed adjacent to the delegate candidate's name on the ballot the name of that presidential candidate, if the written permission of that presidential candidate with respect to such other delegate candidate is filed with the State Administrative Board of Election Laws not later than the 5th day after the date on which delegate candidates may withdraw their candidacy before the primary election.

(2) *Election of At-Large Delegates:* There shall be elected by the Republican State central committee the number of at-large delegates as provided in the rules of the Republican National Convention.

(3) *Ex Officio Delegates:* There shall be no ex officio delegates to the Republican National Convention.

(4) *Selection of Alternates for Elected Delegates:* The elected delegation to the national party convention shall elect the alternative delegates to the convention.

Filling of vacancies: The entire delegation to a national party convention shall fill vacancies occurring in the office of delegate or alternate delegate.

Candidate for whom delegates bound to vote: All the district delegates to the Republican National Convention shall be bound to vote for the candidate of their party for the office of President of the United States who receives the highest number of votes within their respective congressional district at the primary election, and the at-large delegates elected by the district delegates as herein provided shall be bound to vote for the candidate who receives the highest total number of votes at the primary election in the State. All delegates shall be so bound until the candidate for President of the United States is nominated by the convention, receives less than 35 percent of the votes for nomination by the convention, or releases the delegation, or until two convention nominating ballots have been taken (§ 12–4).

Maryland Republican Party rules: At the March 8, 1988 presidential preference primary, 24 congressional district delegates will be elected. The presidential candidate winning in the congressional district takes all of the delegates in the congressional district. The presidential candidate winning statewide takes all of the 17 at-large delegates. The Republican state convention will select the 17 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2034–2035.)

B. PRESIDENTIAL PREFERENCE PRIMARY

Maryland will have a presidential preference primary on March 8, 1988 (§ 5–2). Whenever a party uses a primary election to nominate a candidate for President of the United States, any person who desires to run in the primary election may become a candidate for nomination only:

(1) By direction of the Secretary of State who shall place the name of the candidate upon the ballot no sooner than 90

days nor later than 70 days preceding the date set by law for the primary election when he has determined in his sole discretion that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, in accordance with the national party rules, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that he is not and does not intend to become a candidate for the office in the Maryland primary election;

(2) By making the payment required and by filing with the State Administrative Board of Election Laws a petition in the form prescribed by the State Administrative Board of Election Laws which shall contain the signatures of not less than 400 of the registered voters within each congressional district, at least 70 days preceding the date set by law for the primary election.

The Secretary of State shall establish a procedure for the Democratic presidential primary through which votes may be cast as uncommitted to any presidential candidate.

A candidate qualifying under this section shall be entitled to have his name printed upon the official primary ballot of his party in primary elections held under and in accordance with this article as a candidate for the nomination for President.

The board of supervisors of elections in each county and of Baltimore City shall have printed upon the official primary ballots of each of those political parties in each county of the State, and in each legislative district of Baltimore City at the primary election in each year in which a President of the United States is to be elected, the names of the candidates for President and names of candidates for election as delegates to conventions certified to them by the Administrative Board of Election Laws in manner and form and in all respects similar to the way in which the names of candidates for nomination for Governor are required to be printed upon official primary ballots.

The names of the candidates for the nomination for President of the United States and the names of candidates for election as delegates to conventions of the several political parties upon the official primary ballots shall be arranged and the ballots shall be prepared and shall be marked and cast by voters in the same manner as is prescribed by the provisions of this article with respect to the nomination in the primary election of candidates for the office of Governor of Maryland.

The results of the primary elections in the several counties and legislative districts of Baltimore City in presidential years shall be canvassed, ascertained and certified in the same manner as provided by law with respect to the election of delegates from the several counties and legislative districts to State conventions of the respective parties to nominate candidates for State offices. The votes cast in each primary election in each county and legislative district of Baltimore City shall be canvassed and certified by the respective boards of supervisors of elections in Baltimore City and the several counties of the State. The Board of State Canvassers then shall tabulate the votes so canvassed and certified in a manner plainly to indicate for each party which candidate for President and which candidates for election as delegates to a national convention received the highest number of votes in the State as a whole (§ 12-6)

C. STATUTORY INSTRUCTIONS

Democrats:

Weight accorded results of presidential primary election: If a presidential primary election for the Democratic party is required by this article, unless national party rules require otherwise, the results of the election shall be advisory.

If national party rules require special recognition from presidential preference primary results, the State convention and the Maryland delegates to the national convention shall comply with those rules.

Delegates to reflect sentiments of those who elected them: Delegates elected to the Democratic National Convention, either uncommitted or pledged to a presidential candidate, shall in all good conscience reflect the sentiments of those who elected them.

Notwithstanding any provisions of law to the contrary, delegates elected to the Democratic National Convention shall vote in accordance with party rules (§ 12-3).

Republicans:

All the district delegates to the Republican National Convention shall be bound to vote for the candidate of their party for the office of President of the United States who receives the highest number of votes within their respective congressional district at the primary election, and the ex offico delegates and the at-large delegates elected by the district delegates as herein provided shall be bound to vote for the candidate who receives the highest total number of votes at the primary election in the State. All delegates shall be so bound until the candidate for President of the United States is nominated by the convention, receives less than 35 percent of the votes for nomination by the convention, or releases the delegation, or until two convention nominating ballots have been taken (§ 12-4).

MASSACHUSETTS

Delegates to National Conventions:
Democratic: 109
Republican: 52

A. MANNER OF SELECTION

In any year in which candidates for presidential electors are to be elected, the selection of delegates and alternate delegates to national conventions of political parties shall be by that system adopted by the State committee, provided such system shall not include the placing of the names of delegates on the presidential primary ballot; and provided, further, that the distribution of delegates under any such system shall reflect the preference expressed by the voters on the presidential preference portion of the ballot at the presidential primary. The system adopted by the State committee shall be set forth in written rules and procedures covering all aspects of the delegate selection process and a copy of such rules and procedures shall be filed with the Secretary of State on or before October first of the year preceding the year in which presidential electors are to be elected. The number of district delegates and alternate district delegates, not less than two from each congressional district, and the number of delegates and alternate delegates at-large shall be fixed by the State committee, who shall give notice thereof to the Secretary of State on or before the first Tuesday in January (Massachusetts General Laws Annotated, ch. 53, § 70B). A presidential preference primary shall be held on the second Tuesday in March (March 8, 1988) (§ 28, Supp.).

Democrats:
The Democratic national convention delegation will be selected in caucus process after the March 8, 1988 primary. The delegates will be allocated to the winning presidential candidates based on the results of the primary in a proportional representation method of allocation with a 15 percent threshold requirement in regard to the congressional district and statewide vote. The winning candidate in each congressional district is allotted 1 delegate. Ninety-eight delegates are at stake at the March 8 presidential primary. The Democratic delegation is comprised as follows: 64 congressional district delegates, 21 at-large delegates, 13 pledged party and elected officials, and 11 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2052–2053.)

Republicans:
The Republican national convention delegation will be comprised of 33 congressional district delegates and 19 at-large delegates. Congressional district caucuses elect district delegates. The State Committee elects at-large delegates. The delegates will be selected to reflect the results of the presidential primary on March 8, 1988. (See C.Q. Special Report: The Nominating Process at pp. 2052–2053.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The primary shall be held on the second Tuesday in March in any year in which presidential electors are to be elected (ch. 53, § 28). The presidential primary date is set by statute for March 8, 1988.

The Secretary of State shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order: the names of those candidates or potential candidates for the office of President of the United States whom he shall have determined to be generally advocated or recognized in national news media throughout the United States; the names of any other candidates or potential candidates for nomination for President whose names are proposed therefor by nomination papers prepared and furnished by the Secretary of State, signed in the aggregate by at least twenty-five hundred voters; and the names of those candidates or potential candidates for nomination for President whose names appear on written lists signed by the chairman of the State committees of the political parties, arranged in such order as may be determined by lot under the direction of the Secretary of State, a blank space in which the voter may, if he does not vote for any of the candidates for President whose names are printed on the ballot, insert the name of any person of his choice as a candidate for President, and a blank space in which a voter may vote no preference. A vote for no preference and for a candidate whose name has been inserted by the voter shall be counted as a vote for that candidate. The chairman of the State committee of a political party and the Secretary of State shall submit lists or prepare lists of candidates for President, as aforesaid, no later than the first Friday in January, and shall notify each such candidate forthwith, by registered mail, of the presence of his name on said lists. No name shall be removed from said lists, nor from the ballot, unless such candidate shall file with the Secretary of State an affidavit stating that he does not desire his name printed upon said ballot at the forthcoming presidential primary. Such affidavit shall be filed with the Secretary of State no later than five o'clock p.m. on the second Friday in January (§ 70E). There shall also be printed on the ballot appropriate instructions to aid the voter with respect to expressing his preference for a candidate for nomination as President (*ibid.*).

C. STATUTORY INSTRUCTIONS

If there is a roll call vote as the national convention of a political party, all delegates and alternate delegates whose selection is subject by party rule to the approval of a presidential candidate shall vote on the first such roll call for that presidential candidate unless released by such candidate (§ 70 I).

MICHIGAN

Delegates to National Conventions:
Democratic: 151
Republican: 77

A. MANNER OF SELECTION

The allotment of delegates to all precincts in the State shall be made to insure, as near as is practicable, equal apportionment based upon the total vote cast for the candidate of each political party for either President of the United States or Secretary of State; however, each precinct is to have at least one delegate (§ 168.623a(4), Supp.). The nominating petitions of candidates for delegates to the county conventions of each political party may include the name of one of the candidates for President of the United States, of the same party as the delegate candidate for whom he will be bound to vote at each stage of the nominating process. If the candidate for the office of delegate wishes to be uncommitted regarding the candidates for president, the petition shall state "uncommitted". The candidate for the office of delegate may indicate his commitment among such presidential candidates, or uncommitted status, on the face of the nominating petition, before obtaining any signatures on the nominating petition (§ 168.624(1), Supp.).

The allocation of all delegates and alternates to a national convention shall be made by the State central committee of each party and shall be certified to the Secretary of State. A minimum of two-thirds of the State's delegates shall be allocated to congressional districts and at least two delegates shall be allocated to each district. All delegates shall be registered electors of the State. Delegates elected from congressional districts shall be registered electors of those districts. All national convention delegates shall be chosen according to procedures and any other qualifications, as may be established by the State central committee of that political party. Such procedures and qualifications may include, but are not necessarily limited to, guarantees that discrimination on the basis of race, creed, color, sex, age, national origin or economic status does not occur (§ 168.618, Supp.).

National convention delegates elected pursuant to law shall be elected on a basis that insures that the proportion of the total national convention delegation that is uncommitted or is committed to each presidential candidate equals, as near as is practicable the proportion of the popular vote that was case as uncommitted or for each respective presidential candidate of the particular political party's total popular vote. The determination of these proportions shall only include the votes cast as uncommitted, or for a particular presidential candidate, if the total vote cast as uncommitted, or for that particular presidential candidate, equals at least 5 percent of the total vote cast for all presidential candidates or as uncommitted for that political party.

All the national convention delegates shall be bound to vote for the presidential candidate for whom they designated commitment, if any, when they were elected as national delegates, until the end of the second ballot at the national convention, until released from that commitment by the withdrawal of that presidential candidate from contention for the party's nomination or by written release of that presidential candidate to the chairman of the national convention, whichever is earliest.

If a vacancy occurs in the elected delegation, it shall be filled by an alternate selected by the caucus for the candidate to whom the original delegate was committed, and the alternate shall be required to meet the same qualifications of the delegate being replaced.

A person who is a delegate to a State or county convention of his political party only by virtue of being a member of the State legislature in such capacity shall not participate directly in the process of selecting delegates to his political party's national convention. Neither this provision nor any other provision of law shall be understood to restrict the opportunity of any registered elector in the State, including all public officials, to be elected as a delegate to any county, district, state, or national convention of his political party (§ 168.619 Supp.).

Democrats:
The Democratic National Convention delegation will be selected in a caucus-convention process. On March 26, 1988, Democratic voters will be able to vote for Democratic presidental candidates. One hundred and thirty-eight delegates will be at stake based on the March 26 caucus vote. Congressional district conventions will meet on May 7, 1988 and select 90 congressional district delegates who will be allotted to presidential candidates, in a proportional representation method, receiving 15 percent of the vote in congressional districts and statewide. The Democratic State Central Committee will select the following remaining delegates to reflect the March 26 presidential preference results: 30 at-large delegates, 18 pledged party and elected officials, and 13 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2063–2065.)

Republicans:
The process for selecting the Michigan Republican National Convention delegation began on August 5, 1986 with the selection of approximately 10,000 precinct delegates. On January 14, 1988 the precinct delegates at county conventions will select the state convention delegates who will then select the national convention delegates at the State convention which is scheduled to be held on January 29–30, 1988. The Republican National Convention delegation will be comprised of 54 district delegates and 23 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2063–2065.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None. On March 26, 1988, the Michigan Democratic Party will have caucus voting sites whereby any voters may express their presidential preference.

C. STATUTORY INSTRUCTIONS

All of the national convention delegates shall be bound to vote for the presidential candidate for whom they designated commitment, if any, when they were elected as national delegates, until the end of the second ballot at the national convention, until released from that commitment by the withdrawal of that presidential candiadate from contention for that party's nomination, or by written release of that presidential candidate to the chairman of the national convention, whichever is earliest (§ 168.619(2) Supp.).

MINNESOTA

Delegates to National Conventions:
Democratic: 86
Republican: 31

A. MANNER OF SELECTION

The final authority over the affairs of each political party is vested in the party's State convention to be held at least once every general election year at the call of the State central committee. Subject to the control of the State convention, the general management of the affairs of the State party is vested in the party's State central committee (Minnesota Statutes Annotated, § 202A.12, Supp.).

The rules of each political party shall provide that for each congressional district and each county or legislative district a convention shall be held at least once every general election year. Each major political party shall also provide for each congressional district and each county or legislative district an executive committee consisting of a chair and such other officers as may be necessary. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits (§ 202A.13, Supp.).

On the fourth Tuesday in February (Feb. 23, 1988) in every general election year a party caucus is to be held for every election precinct, the call for which is to be issued by the chairman of the county or legislative district executive committee at least 20 days before the time set for the caucus (§ 202A.14, Supp.). Each precinct caucus shall elect a chair and such other officers as may be provided by the party rules, and the proper number of delegates to congressional district, county, or legislative district conventions as determined by the party's call (§ 202A.17, Supp.).

Democrats:

The Minnesota Democratic National Convention delegation will be selected in a four-step caucus-convention process: (1) precinct caucuses (Feb. 23, 1988), (2) county conventions (March 15–19, 1988), (3) congressional district conventions (April 29–May 1, 1988), and (4) State convention (June 10–12, 1988). Seventy-eight delegates will be at stake at the Feb. 23 precinct caucuses. The precinct caucus delegates will mark presidential preference ballots which will be sealed until March 8, 1988. Presidential candidates must attain a 15 percent threshold of the votes at the congressional district and State conventions to receive national convention delegates. The composition of the Minnesota Democratic delegation to the national convention is as follows: 51 congressional district delegates, 17 at-large delegates, 10 pledged party and elected officials, and 8 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2002–2003.)

Republicans:

The Republican National Convention delegation will be selected in a four-step caucus-convention procedure: (1) precinct caucuses (Feb. 23, 1988), (2) county conventions (March 10–31, 1988) (3) Congressional district conventions (May 1–31, 1988), and (4) State convention (June 16–18, 1988). All 31 delegates will be at stake at the Feb. 23 precinct caucuses. The Republican delegation will be composed of 24 congressional district delegates and 7 at-large delegates (See C.Q. Special Report: The Nominating Process at pp. 2002–2003.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

MISSISSIPPI

Delegates to National Conventions:
Democratic: 45
Republican: 31

A. MANNER OF SELECTION

The State executive committee of each political party shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are to be selected as well as adopt any other rule not inconsistent with this chapter. The State executive committee of the political party shall establish, at least ninety (90) days prior to the second Tuesday in March in years in which a presidential election is held, procedures to be followed in the nomination of candidates for delegates and delegate alternates to the nominating convention of the political party. (Mississippi Code Annotated, § 23-15-1055, Supp.)

Democrats:

The Democratic delegates to the national convention will be selected in a separate caucus process and not by the March 8, 1988 presidential preference primary. District caucuses on March 19 select district delegates. The State convention on March 26 selects the at-large and pledged party and elected official delegates. The district delegates are allocated according to the district primary vote. The remaining delegates are allocated according to the statement vote. The composition of the Mississippi Democratic delegation will be as follows: 26 congressional district delegates, 9 at-large delegates, 5 pledged party and elected official delegates, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2036-2037.)

Republicans:

The Republican National Convention delegation will be selected after the March 8, 1988 presidential preference primary in a manner that will reflect the results of the primary. The State convention on May 21 will elect the district and at-large delegates. The winner-take-all method of allocation of delegates will be used for the 15 congressional district delegates. The 16 at-large delegates will be allocated to the winning presidential candidates in the proportional representation method of allocation based on the results of the primary with a 10 percent threshold required to receive delegates. (See C.Q. Special Report: The Nominating Process at pp. 2036-2037.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Mississippi will have a presidential preference primary on March 8, 1988.

A presidential preference primary may be held on the second Tuesday in March of each year in which a President of the United States is to be elected. Each political party which has cast for its candidates for President and Vice

President in the previous presidential election more than twenty percent (20%) of the total vote cast for President and Vice President in the State, may conduct a presidential preference primary. No elector shall vote in the primary of more than one (1) political party in the same presidential preference primary (§23-15-1081, Supp.).

The Secretary of State shall place the name of a candidate upon the presidential preference primary ballot when the Secretary of State shall have determined that such a candidate is generally recognized throughout the United States or Mississippi as a candidate for the nomination of President of the United States.

On or before December 15 immediately preceding a presidential preference primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential preference primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list, unless the candidate dies or has withdrawn as a candidate (§ 23-15-1089, Supp.).

Any person desiring to have his name placed on the presidential preference primary ballot shall file a petition or petitions in support of his candidacy with the State executive committee of the appropriate political party after January 1 of the year in which the presidential preference primary is to be held and before January 15 of that same year. To comply with this section, a candidate may file a petition or petitions signed by a total of not less than five hundred (500) qualified electors of the State, or petitions signed by not less than one hundred (100) qualified electors of each congressional district of the State, in which case there shall be a separate petition for each congressional district. The petitions shall be in such form as the State executive committee may prescribe; provided, that there shall be a space for the county of residence of each signer next to the space provided for the signature. No signature may be counted as valid unless the county of residence of the signer is provided. Each petition shall contain an affirmation under the penalties of perjury that each signer is a qualified elector in his congressional district or in the state, as appropriate (§ 23-15-1093, Supp.).

C. STATUTORY INSTRUCTIONS

None.

MISSOURI

Delegates to National Conventions:
Democratic: 83
Republican: 47

A. MANNER OF SELECTION

The State committee of any established political party may, except as otherwise provided by law, call a convention of delegates to be apportioned, chosen, or elected in such manner as it may prescribe for the purpose of nominating presidential electors, electing delegates to national conventions, electing members of national committees, adopting or making, declarations of party principles on national questions, and to do or perform any other act not inconsistent with the law (Vernon's Annotated Missouri Statutes, §115.625).

The State of Missouri will be holding a presidential preference primary on the second Tuesday in March (March 8, 1988) (§115.755, Supp.). The State party organization which is the State organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and State conventions. Delegates to the national conventions shall be chosen at the congressional district and State conventions pursuant to rules established by the political parties; provided, however, that rules so established require that national delegates be pledged to support presidential candidates. The delegates and alternates shall be selected; except that, if the rules of the national committee of the established political party are in conflict with such provisions, then the national committee rules shall govern the selection of delegates where in conflict with this section (§ 115.776(i), Supp.).

Not less than three-fourths of the convention delegates from the State to the national convention shall be allocated equally to the State congressional districts. Those delegates not allotted to congressional districts must be allotted to the State as at-large delegates. Additional at-large delegates allocated to a State under national party rules shall not be included in the calculation of the proportion of the State's delegates allocated to congressional districts and at large. Following the State presidential primary, anyone seeking to be selected as national convention delegate or alternate must designate whether or not he is committed, and, if committed, to which candidate he is committed (§115.776 (2) (3), Supp.).

To qualify as a delegate from a congressional district, a person must be a registered voter of the congressional district from which he seeks to be a delegate. To qualify as an at-large delegate, a person must be a registered voter of this State. If a delegate or alternate dies, withdraws or becomes disqualified after he has been selected and before the national convention for which he is selected has begun, he shall be replaced by a qualified person committed to the same preference and selected by the party's congressional district committee or State committee, as the case may be. Congressional district delegates and alternates shall be selected so that the proportion of the total district delegates and alternates that are committed to each candidate or are uncommitted equals as nearly as possible the proportion of the popular vote cast in the presidential primary selection in that district for each candidate and for the uncommitted position; except that, votes for a candidate or for the uncommitted position which total less than fifteen percent of the district total shall be counted as uncommitted in determining proportions of district delegates awarded if the sum of all such votes exceeds fifteen percent of the district total. At-large delegates and alternates shall be selected in numerical order from each slate so that the proportion of the total at-large delegates and alternates that is uncommitted or committed to each candidate equals as nearly as possible the proportion of the popular vote for that established political party that was cast as uncommitted and for each candidate in the State at large; except that, votes for a candidate or uncommitted listing that total less than fifteen percent of the total shall be counted as uncommitted in determining proportions of district delegates awarded if the sum of all such votes exceeds fifteen percent of the State total (§ 115.776 (4)–(7), Supp.).

In determining the number of delegates and alternates to be awarded to each candidate and as the uncommitted delegates and alternates, the percentage of the vote received by each candidate and the percentage of the uncommitted vote in each congressional district or the State at large, as the case may be, shall be multiplied by the total number of delegates allotted to the congressional district or the State at large, as the case may be. The product arrived at for each candidate or the uncommitted vote shall be rounded off to the nearest whole number to arrive at the number of delegates to be awarded to a particular candidate or the uncommitted vote. The percentage of the vote received by each candidate and for uncommitted shall be determined in accordance with the provisions of this section and shall not take into consideration the votes for any candidate or uncommitted listing that total less than fifteen percent of the district total or the State at large, as the case may be. (§ 115.776 Supp.)

Democrats:

The Democratic National Convention delegates will be selected in caucus process to reflect the results of the March 8, 1988 presidential preference primary. A proportional representation method of allocation of delegates will be employed at the district conventions on May 14 with the winner of each congressional district receiving the first delegate. Winning candidates must attain a 15 percent threshold of the vote both in congressional districts and statewide to receive delegates. The State convention on June 4 selects the at-large delegates and the pledged party and elected official delegates. The Missouri congressional district delegation will have the following delegation; 50 congressional district delegates, 17 at-large delegates, 10 pledged party and elected officials, and 6 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2040–2041.)

Republicans:

The Republican National Convention delegation will be selected through a caucus process that will reflect the results of the March 8, 1988 presidential primary. The delegates will be selected in a proportional representation method of allocation of delegates with a 15 percent threshold required based on the primary vote in the congressional districts and statewide. District conventions on May 14 select the district delegates, and the State convention on June 4 selects the at-large delegates. The Republican national convention delegation will be composed of 27 congressional district delegates and 20 at-large delegates. (See C.Q. Special Report at pp. 2040–2041.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on the second Tuesday in March (March 8, 1988) (§ 115.755, Supp.).

The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates who meet all of the requirements specified in the rules of the State or national party organization of each established political party for whom, on or after 8:00 a.m. on the second Tuesday in December in the year preceding the presidential primary, and on or before 5:00 p.m. on the ninth Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the Secretary of State along with:

(1) Receipt of payment to the State committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than one thousand registered voters in each of the State's congressional districts requesting that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary.

The request to be included on the presidential primary ballot shall be in the following form:

I (We) the undersigned, do hereby request that the name of ——————— be placed upon the March ——, 19—, presidential primary ballot as a candidate for nomination as the nominee for President of the United States on the ——————— Party ticket (§ 115.761(1), Supp.).

The State or national party organization of an established political party which adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the Secretary of State by October first of the year preceding the presidential primary. Any person may have his name stricken from the presidential primary ballot by, on or before 5:00 p.m., on the Friday before the eighth Tuesday prior to the election, filing with the Secretary of State a written statement, sworn to before an officer authorized by law to administer oaths, requesting that his name not be printed on the official primary ballot. Thereafter, the Secretary of State shall not include the name of that person in the official list announced under section 115.758 or in the certified list of candidates transmitted under section 115.765 (§ 115.761(2)(3), Supp.).

C. STATUTORY INSTRUCTIONS

Each national convention delegate and alternate shall be bound to vote for the candidate for whom he designated commitment, if any, when he was selected as a delegate or alternate until that or another candidate received the party's nomination, two ballots have been taken or that candidate withdraws, suspends his campaign, releases his delegates, or receives less than fifteen percent of the votes cast on the first ballot, whichever first occurs. Each delegate and alternate, within ten days after accepting selection as a delegate or alternate, shall file with the Secretary of State his sworn pledge that he will abide by the provisions of sections 115.750 to 115.785. If the rules of the national committee of an established political party prohibit any delegate from being bound to cast his or her vote for a candidate, then the provisions of the national committee rules shall govern (§ 115.780, Supp.).

MONTANA

Delegates to National Conventions:
Democratic: 25
Republican: 20

A. MANNER OF SELECTION

Each political party has power to make its own rules, provide for and select its own officers, call conventions and provide for the number and qualifications of delegates, adopt platforms, provide for selection of delegates to national conventions, provide for the nomination of presidential electors, provide for the selection of national committeemen and women, make nominations to fill vacancies occurring among its candidates nominated for offices to be filled by the States at large or by any district consisting of more than one county where such vacancies are caused by death, resignation or removal from the electoral district, and perform all other functions inherent in such an organization (Montana Code Annotated § 13-38-101). Each political party shall elect at each primary election one man and one woman who shall serve as committeemen for each election precinct (§ 13-38-201)). The committeemen in each precinct shall constitute the county central committee of the respective political parties (§ 13-38-202(1)).

Democrats:

The Democratic National Convention delegation is selected in a caucus process that reflects the results of the June 7, 1988 presidential preference primary. The winning candidate in each congressional district receives one delegate. A 15 percent threshold of the primary vote in the congressional districts and statewide is required for candidates to receive delegates. Nineteen delegates are at stake at the June 7 presidential primary. The composition of the Democratic delegation to the national convention will be: 13 congressional district delegates, 4 at-large delegates, 2 pledged party and elected officials, and 6 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2096-2097.)

Republicans:

The Republican delegates to the national convention will be chosen at the State convention. The selection of the delegates does not have to reflect the results of the June 7, 1988 presidential primary. The Republican delegation will have 6 congressional district delegates and 14 at-large delegates. (See C.Q. Special Report: The Nominating Process at pp. 2096–2097.)

B. PRESIDENTIAL PREFERENCE PRIMARY

In the years in which a President of the United States is to be elected, a presidential preference primary election will be held on the first Tuesday after the first Monday in June (June 7, 1988). The primary results are advisory only (§ 13-10-407). The regular party primary ballots shall be used for the presidential preference primary election. The presidential section of the ballot shall be placed before any other section, national, state, or local (§ 13-10-402). The presidential preference ballot shall list all candidates nominated in accordance with the provisions of this part and shall, in addition, include a presidential ballot position which shall be designated as "no preference" and a blank write-in space (§ 13-10-403).

Before a presidential candidate may qualify for placement on the ballot, he must be nominated on petitions with the verified signatures of at least 1,000 qualified electors from each congressional district. The Secretary of State is empowered to prescribe the form and content of the petition (§ 13-10-404). Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures and must forward the petitions to the Secretary of State. The petitions must be submitted to the election administrator at least 30 days before the filing deadline. No filing fee is required (§ 13-10-405). If the signatures and petitions fulfill the requirements of this part, the Secretary of State shall immediately notify the candidates named on the petitions that they shall be placed upon the presidential preference primary election ballot, unless they file with the Secretary of State a notarized affidavit that they are not a candidate for president. The notification of the candidate shall be made at least 15 days before the filing deadline. The affidavit of noncandidacy must reach the Secretary of State by the filing deadline (§ 13-10-406). The method of selection of delegates to national presidential nominating conventions is to be set by party rules. The use of the results of the presidential preference primary election by the political parties in their delegation selection systems is discretionary and is to be determined by party rules (§ 13-10-407).

C. STATUTORY INSTRUCTIONS

None.

NEBRASKA

Delegates to National Conventions:
Democratic: 30
Republican: 25

A. MANNER OF SELECTION

In each presidential election year, delegates to the national conventions of the political parties shall be elected in the following manner:

(a) the total number of delegates representing the State at each convention shall be determined by the rules of the national political party holding the convention;

(b) the total number of delegates thus authorized shall be allocated among the congressional districts so that each congressional district elects the same percentage, or as nearly the same percentage as is possible, of total delegates as was its percentage of the total vote for that party's presidential candidate in the last preceding presidential election; and

(c) delegates to the national conventions shall be elected by the congressional districts in the manner provided in §§ 32-504.01, 32-513, and 32-420.02 (Revised Statutes of Nebraska, § 32-542).

Nominating papers of candidates for congressional district delegate or alternate positions must be filed with the Secretary of State at least 60 days prior to the primary (§§ 32-512, 32-514).

The name of a candidate for congressional district delegate or alternate will not be printed on the primary ballot unless at least 60 days prior to the primary either he or twenty-five qualified electors of the party with which the candidate affiliates file a written application with the Secretary of State (§ 32-514).

The petition for nomination of a candidate for election as a delegate shall (1) contain a statement of the candidate's preference for the candidacy for the office of President or that he is uncommitted, which preference or the fact that the candidate is uncommitted shall be shown on the ballot in parenthesis and indented five spaces immediately below the name of the candidate, and (2) include a pledge that the candidate, if elected, will use his best efforts at the convention for the candidate of his party indicated as his preference for the office of President until such candidate receives less than 35 percent of the votes for nomination by such convention or releases the delegate from such pledge, or until two convention nominating ballots have been taken. No such nominating petition shall be accepted unless signed by the candidate (§ 32-504.01).

Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the State central committee of each party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the State chairman of the party, not later than March 1 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the State chairman immediately following their selection (§ 32-542.02).

Ballots for delegates to national political conventions shall be printed in separate ballots of different color than ballots for the primary election and in form as determined by the Secretary of State (§ 32-420.02).

Democrats:

The Democratic delegates to the national convention are selected in a caucus process after the May 10, 1988 presidential preference primary. The delgates are selected to reflect the results of the primary in a proportional representation method of allocation with the requirement that the winning candidates receive a 15 percent threshold of the congressional district and statewide vote. Twenty-five delegates are at stake at the May 10, 1988 primary. The composition of the delegation will be: 17 congressional district delegates, 5 at-large delegates, 3 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2086–2087.)

Republicans:

Nine congressional district delegates who are slated on the primary ballot by presidential preference are directly elected at the May 10, 1988 presidential preference primary. Sixteen at-large delegates are elected at the State convention without regard to the presidential primary results. (See C.Q. Special Report: The Nominating Process at pp. 2086–2087.)

B. PRESIDENTIAL PREFERENCE PRIMARY

In each presidential election year, the primary shall be held on the first Tuesday after the second Monday in May, at which time a preference vote for President shall be had (May 10, 1988) (§ 32–506).

A party voter may express his choice for one candidate for nomination for President either:

(a) by writing the name of the person of his choice for President in the blank space to be left upon the ballot for such purpose; or

(b) by making a cross or mark opposite the printed name, of the person of his choice, as in the case of the other nominations (§ 32–509).

The names of persons to be voted upon for President shall be printed on the primary ballot on the petition of their political supporters in Nebraska, such petition to contain the names of not less than 100 electors of each congressional district. The candidates themselves shall not sign the petition or acceptance (§ 32–510).

However, the candidate in order to have his name placed upon the primary ballot must file written consent with the Secretary of State not less than 60 days before the primary election (§ 32–510).

In addition, the names of persons in the political party who shall have been determined by the Secretary of State, in his sole discretion, to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the party primary ballot (§ 32–511).

If a person does not want his name on the Nebraska primary ballot, he must execute and file an affidavit with the Secretary of State stating without qualification that he is not now and does not intend to become a candidate for office of President at the forthcoming presidential election (§ 32–511).

The ballots in the presidential preference primary shall be marked, the votes shall be counted, canvassed, and returned, and the sufficiency of the petitions shall be determined by the laws of Nebraska governing party nominations for the office of Governor as far as the same are applicable (§ 32-511).

C. STATUTORY INSTRUCTIONS

A candidate for delegate to the national convention may pledge that, if he is elected, he will use his best efforts at the convention of his party for the candidate of his party indicated as his preference for the office of President until such candidate receives less than 35 percent of the votes for nomination by such convention or releases the delegate for such pledge, or until two convention nominating ballots have been taken (§ 32-504.01).

NEVADA

Delegates to National Conventions:
Democratic: 21
Republican: 20

A. MANNER OF SELECTION

Delegates and alternates to national conventions of the political parties are selected by the State conventions of the respective political parties. The State convention shall also, if consistent with the rules and regulations of the party, select the national committeeman and committeewoman of the party. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and places as the State central committee of the party shall designate; or if an earlier date is not designated, then 30 days prior to the date set for the national convention (Nevada Revised Statutes, § 293.163).

At a time and date set by the respective State central committees, but, if no earlier date is fixed, then on the second Tuesday in April in each year in which a general election is to be held, the delegates so elected to each party county convention shall convene as the county central committee shall designate, and there organize, elect the delegates to which the registered voters of the party residing in the county are entitled in the state convention of the party, and also elect the members of the county central committee of their party for the ensuing term (§ 293.140).

The number of delegates to the State convention of each party which shall be chosen at each county convention of such party shall be one delegate for each 150 registered voters of that party, or major fraction of such number residing in such county; but each county shall be entitled to at least one such delegate (§ 293.145).

Delegates to county conventions are elected by ballot at mass meetings in each voting precinct. The county central committees of the political parties call for mass precinct meetings to be held on or before the fifth day preceding the dates set by the respective State central committees for the holding of county conventions but not later than the fifth day before the second Tuesday in April in a general election year (§§ 293.130, 293.133, 293.135, 293.140, 293.163).

Democrats:
The Democratic delegates to the national convention are elected in a three-step caucus process: (1) precinct caucuses (March 8, 1988), county conventions (April 9, 1988), and the State convention (May 6–8, 1988). Sixteen delegates are at stake at the March 8 precinct caucuses. The Democratic delegation will be composed of the following delegates: 11 congressional district delegates, 3 at-large delegates, 2 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2049.)

Republicans:
The Republican National Convention delegates will be chosen in a three-step caucuses-convention process as follows: (1) precinct caucuses (Feb. 16, 1988), (2) county conventions (March 12–19, 1988), and (3) State convention (April 22–23, 1988). The Republican delegation will have 20 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2049.)

B. PRESIDENTIAL PREFERENCE PRIMARY
None.

C. STATUTORY INSTRUCTIONS
None.

NEW HAMPSHIRE
Delegates to National Conventions:
Democratic: 22
Republican: 23

A. MANNER OF SELECTION
At every presidential primary election, the voters of the State shall vote their preference for party candidates for President and, thereby choose the delegates to each presidential nominating convention to which the State is entitled (New Hampshire Revised Statutes Annotated, § 653:5) (Primary date, Feb. 16, 1988).

Each presidential candidate who has filed pursuant to Revised Statutes Annotated, § 655:47 shall file with the Secretary of State not more than 74 days nor less than 44 days before the presidential preference primary the names, addresses in alphabetical order of the delegates and their alternates who shall represent him as his delegation to the national convention (§ 655.50).

All delegates and their alternates selected by each candidate in the presidential primary shall file with the Secretary of State the following certification:

I, ————, certify that my domicile is in ward ——— in the city (or town) of ————, county of ————, State of New Hampshire, and am a qualified voter therein; that I am a registered member of the ———— Party; that, if selected, I shall serve as delegate or alternate to the national convention of the ———— Party next to be held for the nomination of candidates of said party for President and Vice President of the United States. I further certify that, if selected as delegate or alternate delegate, I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. I pledge myself, if selected as delegate or alternate delegate to said convention, whenever I shall vote, to vote for the nomination of (inserting the name of any person) as the candidate for said party for President so long as he shall be a candidate before said convention (§ 655:51).

Democrats:
Democratic presidential candidates file slates of delegates for the 12 congressional district positions with the Secretary of State by Dec. 18, 1987. The winning candidates at the February 16, 1988 presidential primary receive delegates in a proportional representation method of allocation with a 15 percent threshold required of the congressional district and statewide vote. Eighteen delegates are at stake at the Feb. 16, 1988 presidential preference primary. On April 24, the delegate selection committee meets and selects at-large delegates and pledged party and elected official delegates. The congressional district delegates select 4 at-large delegates, and all of the delegates then select 2 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 1998–1999.)

Republicans:
Republican presidential candidates file slates of delegates for 6 congressional districts and 17 at-large delegates, with the Secretary of State on Jan. 4, 1988. The winning candidates at the February 16, 1988 presidential preference primary receive delegates from their slates in a proportional representation method of allocating delegates with a 10 percent threshold of the statewide vote required in order to receive delegates. (See C.Q. Special Report: The Nominating Process at pp. 1998–1999.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The presidential primary election shall be held on the second Tuesday in March or on the Tuesday immediately preceding the date on which any other State shall hold a similar election, whichever is earlier, of each year when a President of the United States is to be elected. The primary shall be held in connection with the regular March town meeting or, if held on any other day, at a special election called by the Secretary of State for that purpose (§ 653.9). The date set for the presidential primary in 1988 is February 16, 1988.

A declaration of candidacy must be filed by presidential candidates desiring to enter the primary with the Secretary of State not more than 74 days nor less than 60 days before the presidential primary (§ 655.47). A filing fee of $1,000 is also required (§ 655.48).

C. STATUTORY INSTRUCTIONS

All delegates and their alternates selected by each candidate in the presidential primary must certify and pledge that they will vote for the nomination of such candidate for said party for President so long as he shall be a candidate before the national convention (§ 655.51).

NEW JERSEY

Delegates to National Conventions:
Democratic: 118
Republican: 64

A. MANNER OF SELECTION

Delegates and alternates to the national convention of the political parties are elected at the primary election to be held on the Tuesday next after the first Monday in June (June 7, 1988) (New Jersey Statutes Annotated, § 19:2–1).

The chairman of the State committee of each political party shall notify the Secretary of State on or before March 1 of that year of the number of delegates at-large and the number of alternate delegates at-large to be elected to the next national convention of such party by the voters of the party throughout the State and also of the number of delegates and alternates to be chosen in the respective congressional districts or other territorial subdivisions of the State as mentioned in such notification (§ 19:24–1).

Candidates for election as delegates or alternates to the national conventions of political parties shall be nominated by petition in the manner provided for the nomination of candidates to be voted for at the primary election for the general election (§ 19:24–3). Not less than 100 members of each political party may file with the Secretary of State at least 54 days prior to the primary election for the general election in any year of a national convention a petition requesting that the name of a person therein endorsed shall be printed on the primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large to be chosen by the party voters throughout the State to the national convention of that party or as a delegate or alternate to be chosen to that convention by the voters of any congressional district (§ 19:24–4).

Candidates for the position of delegate or alternate may be grouped together, if they so request in their petitions, and may also have the name of the candidate for President whom they favor placed opposite their individual names or opposite such groups, if they so request in their petitions and if the written consent of such candidate for President is endorsed upon their petitions, under the caption "Choice for President" (§ 19:24–5). A vote for the group shall be tallied as a separate vote for each of the candidates for delegate and alternate listed in the group (§ 19:24–6).

Notwithstanding any provision of the title, national and State party rules shall govern the selection of delegates and alternates to national party conventions, provided the State chairman of the political party notifies the Secretary of State prior to March 1 of the year in which delegates and alternates are elected of the applicable party rules governing the delegate selection process. The Secretary of State shall notify the county clerks prior to April 1 of the year in which delegates and alternates are elected of the applicable party rules, if any, which apply to matters within their jurisdiction. Pursuant to this section, the Secretary of State shall issue to the county clerks uniform regulations governing the delegate selection process (§ 19:24-2).

Democrats:
New Jersey Democrats will have a direct election of 71 congressional district delegates who are slated according to presidential preference on June 7, 1988 which occurs simultaneously with the advisory presidential preference primary on the same day. One hundred and nine delegates are at stake at the June 7, 1988 primary election. The congressional district level delegates and the State party committee will meet to select the following delegates: 24 at-large delegates, 14 pledged party and elected officials, and 9 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2100.)

Republicans:
The 56 congressional district delegates and 8 at-large delegates who are listed on the ballot as to presidential preference are elected at the primary on June 7, 1988. There is also a non-binding presidential preference primary on June 7, 1988. (See C.Q. Special Report: The Nominating Process at p. 2100.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on June 7, 1988, in which there will be a direct election of delegates. There is also a non-binding advisory presidential primary for the presidential candidates. Not less than 100 voters of any political party may file a petition with the Secretary of State on or before the 54th day before a primary election in any year of a national convention requesting that the name of the person endorsed therein as a candidate of such party for the office of President of the United States shall be printed upon the official primary ballot of that party for the then ensuing election for delegates and alternates to the national convention of such party. (§§ 19:2-1, 19:24-4)

Not less then one thousand voters of any political party may file a petition with the Secretary of State on or before the 54th day before a primary election in any year in which a President of the United States is to be chosen, requesting that the name of the person indorsed therein as a candidate of such party for the office of President of the United States shall be printed upon the official primary ballot of that party for the then ensuing election for delegates and alternatives to the national convention of such party (§ 19:25-3). The petition shall be prepared and filed in the form and manner herein required for the endorsement of presidential candidates to be voted for at the primary election for the general election, except that the candidate shall not be permitted to have a designation or slogan following his name, and that it shall not be necessary to have the consent of such candidate for President endorsed on the petition (§ 19:25–3), unless a group of candidates for delegate so requests (§ 19:24–5).

The Secretary of State shall certify the names so endorsed to the county clerk of each county on or before the 48th day before such primary election (§ 19:25–4).

The positions of the groups of delegates on the primary ballot are determined by the various county clerks at a public drawing by lot (§ 19:23–24). No designation or slogan shall be printed on any ballot to be used at the primary in connection with any candidate or group of candidates for office, which designation or slogan includes or refers to the name of any other person unless the written consent of such other person has been filed with the petition of nomination of such candidate or group of candidates (§ 19:23–25.1). The signers to petitions nominating delegates or naming a choice for President may designate a committee of three persons named in the petition to fill a vacancy caused by the death, resignation or otherwise of the candidate endorsed (§ 19:23–12).

C. STATUTORY INSTRUCTIONS

None.

NEW MEXICO

Delegates to National Conventions:
Democratic: 28
Republican: 26

A. MANNER OF SELECTION

Upon the completion of the State canvass of the results of the presidential primary on June 7, 1988, the Secretary of State shall certify to the State chairman of each political party participating in the primary and to the credentials committee of the national convention of each such political party, the names of all candidates and uncommitted category and the total vote and the percentage of the total vote of such candidates or uncommitted category received. Each political party shall select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party (New Mexico Statutes Ann., § 1-8-60).

Democrats:

The Democratic National Convention delegation is chosen by a caucus process after the June 7, 1988 presidential preference primary. Twenty-four delegates are at stake at the June 7, 1988 presidential primary. Delegates are alloted to the winning presidential candidate in the primary election in accordance with the results of the primary with a 15 percent threshold requirement of the congressional district and statewide vote. The Democratic delegation will have the following composition: 16 congressional district delegates, 5 at-large delegates, 3 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2098–2099.

Republicans:

The Republican National Convention delegation which includes 9 congressional district delegates and 17 at-large delegates will be selected at the party convention. The national convention delegates most likely will be allocated to the presidential candidates on the basis of the basis of the results of the June 7, 1988 presidential preference primary. (See C.Q. Special Report: The Nominating Process at pp. 2098-2099.

B. PRESIDENTIAL PREFERENCE PRIMARY

In the year in which the President and Vice President of the United States are to be elected, the registered voters of the State shall be given an opportunity to express their preference for the person to be the presidential candidate of their party. The presidential primary election shall be held on the same date as the primary election is held in the State (June 7, 1988) (§ 1-8-54). There shall be convened in Santa Fe a committee consisting of the Chief Justice of the Supreme Court, as chairman, the Speaker of the House of Representatives and the Minority Floor Leader of the House of Representatives, the President pro tempore of the Senate and the Minority Floor Leader of the Senate. This committee shall nominate as presidential primary candidates and certify to the Secretary of State not later than February 15 before the presidential primary election the names of all those generally advocated and nationally recognized as candidates of the major political parties participating in the presidential primaries for the office of President (§ 1-8-56). No later than 5:00 p.m. on the thirtieth day following the nominations by committee, any person seeking the endorsement by the national political party for the office of President or any group organized in the State on behalf of and with the consent of such person may submit to the Secretary of State a petition on a form prescribed and furnished by the Secretary of State to have such candidate's name printed on the presidential primary ballot. The petition shall be signed by a number of registered voters in each of the congressional districts equal to not less than two percent of the total number of votes for President cast in each district at the last preceding presidential election (§ 1-8-57).

C. STATUTORY INSTRUCTIONS

The vote of the delegates or their alternates to the national convention from each such political party from New Mexico shall be cast on the first presidential nomination ballot of the national convention by the chairman of the delegation. The manner of casting the vote of each party delegation shall be as follows:

(1) each candidate and the uncommitted category shall be entitled to a share of the total vote allotted to the delegation that is equal to the proportion that the vote he received in the presidential primary bears to the total combined vote received by all qualified candidates; provided that no candidate shall be excluded who has received at least fifteen percent of the total vote cast for candidates for President of that party,

and no candidate shall be excluded in violation of any political party rule; and

(2) the method used to compute the total votes allowed to a candidate or the uncommitted category shall be determined by the party rules on file in the office of the Secretary of State.

The provisions of this section with regard to the manner of voting by the New Mexico delegations at the national party conventions apply only to the first nominating ballot cast at such conventions. Such delegations may be released prior to the first ballot from voting in the manner provided by this section upon death of the candidate or upon his written unconditional release of such votes allotted to him. Any votes so released shall be cast in the manner of votes allotted to the uncommitted category (§ 1-8-60).

No person selected as a delegate or alternate shall qualify to attend the national convention of his political party unless he files with the State chairman of his political party at least fifteen days prior to the convening of the applicable national party convention a written declaration of acceptance, signed by himself, in the form herein prescribed and the State chairman deposits this declaration of acceptance in the office of the Secretary of State no later than ten days before convening of the applicable national convention.

The declaration of acceptance shall be in the form of an affidavit and shall contain the following information:

(1) the name, residence, and post office address of the delegate or alternate delegate;

(2) a statement that he is a registered voter in New Mexico affiliated with the political party for which he is a delegate or alternate, and that he was a registered voter and affiliated with such party forty-two days prior to the presidential primary election held in the year in which he is a delegate to the national convention;

(3) a statement that he accepts his election as a delegate or alternate to the national convention; and

(4) if delegates are pledged to specific candidates for the office of President, a pledge in the following form:

"As a delegate to the 19— national convention of ——— party, I pledge myself to vote on the first ballot for the nomination of President by the ——— party as required by Section 1-8-60 NMSA 1978."

Any delegate representing the uncommitted category may vote for any candidate at the national convention or remain uncommitted (§ 1-8-61).

NEW YORK

Delegates to National Conventions:
Democratic: 275
Republican: 136

A. MANNER OF SELECTION

Delegates and alternates to a national convention of a party shall be elected from congressional districts, or partly from the State at large and partly from congressional districts, as the rules of the State committee may provide. Such delegates and alternates from the State at large shall be elected by the State committee or by a State convention of the party, as the rules of the State committee may prescribe. District delegates and alternates to national party conventions and delegates and alternates, if any, to such a State convention shall be elected at a primary. All delegates and alternates to a national party convention shall be enrolled members of such party (New York Election Law (McKinney's) § 2-122).

Candidates for any office to be filled by all of the voters of any congressional district must file nominating petitions signed by 1,250 registered party voters residing in the congressional district from which they seek election (§ 6-136(g)). Petitions and certificates shall be filed in the office of the board of elections of the county, except as follows: for an office or position to be voted for wholly within the city of New York, in the office of the board of elections of that city; for an office or position to be voted for in a district greater than one county, or portions of two or more counties, in the office of the State board of elections (§ 6-144).

A designating petition may designate candidates for nomination for one or more public offices or for nomination for election to one or more party positions, or both, but designations or nominations for which the petitions are required to be filed in different offices may not be combined in the same petition (§ 6-134).

Democrats:

The April 19, 1988 presidential preference primary results will determine the allocation of delegates to presidential candidates. The bonus proportional repesentation method of allocation of delegates is used; the winning presidential candidate in each congressional district receives 1 delegate. A 15 percent threshold based on the congressional district and statewide vote is required in order to receive delegates. Congressional district delegates are slated on the ballot on the April 19, 1988 primary. Democratic voters choose among slates of congressional district delegates identified as to presidential preference. Two hundred and fifty-five delegates are at stake at the presidential primary. The remaining delegates are chosen at the Democratic State Committee. The Democratic delegation to the national convention will be comprised as follows: 167 congressional district delegates, 55 at-large delegates, 33 pledged party and elected officials, and 20 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2073.)

Republicans:

At the April 19, 1988 presidential primary, Republican voters choose among slates of congressional district delegates who are identified as to their presidential preference. At the primary there is a direct election of 102 congressional district delegates. The remaining 34 at-large delegates will be chosen at the Republican State committee and will have an uncommitted status. (See C.Q. Special Report: The Nominating Process at p. 2073.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on April 19, 1988. Delegates and alternates to a national convention of a party shall be elected from congressional districts, or partly from the State at large and partly from congressional districts, as the rules of the State committee may provide. Such delegates and alternates from the State at large shall be elected by the state committee or by a State convention of the party, as the rules of the State committee shall prescribe. If the rules of a national party provide for equal representation of the sexes among delegates elected from districts, such district delegates shall be elected separately by sex. District delegates and alternates to national party conventions and delegates, and alternates, if any, to such a state convention shall be elected at a primary. All delegates and alternates to a national party convention shall be enrolled members of such party. When any such rule provides for equal representation of the sexes, the designating petitions and primary ballots shall list candidates for such party positions separately by sex (§§ 2-122, 8-100).

C. STATUTORY INSTRUCTIONS

None.

NORTH CAROLINA

Delegates to National Conventions:
Democratic: 89
Republican: 54

A. MANNER OF SELECTION

On the second Tuesday in March 1988 (March 8, 1988), and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the 21st day prior to the said primary (General Statutes of North Carolina, § 163-213.2, Supp.).

The presidential preference primary actually determines the allocation of delegates to the presidential candidates. Both the Democratic and Republican Parties actually elect delegates in a separate caucus process.

Democrats:

The Democratic National Convention delegation is selected in a caucus process which is after the March 8, 1988 primary. The presidential candidate winning in each congressional district will be entitled to 1 delegate. Eighty-two delegates are at stake at the March 8, 1988 primary. A 15 percent threshold is required which is based on the congressional district and statewide vote. The North Carolina delegation will have the following delegates: 53 congressional district delegates, 18 at-large, 11 pledged party and elected officials and 7 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2038.)

Republicans:
The Republican delegation to the national convention will be comprised of 33 congressional district delegates and 21 at-large delegates. District conventions are held between April 1–30 and select district delegates. The State convention held on June 3–5 selects the at-large delegates. The delegates will be allocated to the winnng presidential candidates receiving a 10 percent threshold of the vote in a proportional representation method of allocation of delegates. (See C.Q. Special Report: The Nominating Process at p. 2038.)

B. PRESIDENTIAL PREFERENCE PRIMARY

On March 8, 1988, North Carolina will hold a closed presidential preference primary which will be restricted to registered voters of the parties. The State Board of Elections shall convene in Raleigh on the seventy-fifth (75th) day preceding the presidential preference primary election. At the meeting required by this section, the State Board of Elections shall nominate as presidential primary candidates all candidates affiliated with a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have become eligible to receive payments from the Presidential Primary Matching Payment Account, as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended. Immediately upon completion of these requirements, the Board shall release to the news media all such nominees selected; provided, however, nothing shall prohibit the partial selection of nominees prior to the meeting required by this section, if all provisions herein have been complied with (§ 163–213.4, Supp.).

Any person seeking the endorsement by the national political party for the office of President of the United States or any group organized in this State on behalf of and with the consent of such person may file with the State Board of Elections petitions signed by 10,000 persons who at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board of Elections by 5 p.m. on the date that the State Board of Elections is required to meet (§ 163–213.5).

C. STATUTORY INSTRUCTIONS

Upon completion and certification of the primary results by the State Board of Elections, the Secretary of State shall certify the results to the State chairman of each political party. Each political party shall allocate delegate positions in a manner which reflects the division of votes of the party primary consistent with the national party rules of that political party (§ 163–213.8, Supp.).

NORTH DAKOTA

Delegates to National Conventions:
Democratic: 20
Republican: 16

A. MANNER OF SELECTION

State party conventions are to be held in each presidential election year at a place and time designated by the State party committees (North Dakota Century Code Ann., § 16.1-03-13). The State party convention is required to elect the requisite number of delegates and alternates to the national party convention (§ 16.1-03-14).

The candidate or candidates for nomination or election shall be declared nominated or elected pursuant to the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of nomination or election. If any delegate to the national convention is unable to attend that convention, he shall designate, in writing, one of the alternates to attend and represent and act for him. The names of the candidates nominated for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State to be placed upon the general election ballot as provided by law (§ 16.1-03-14).

Democrats:

The Democrats select their national convention delegates in a three-step process which is separate from the presidential primary: (1) precinct caucuses (March 13-27, 1988), and (2) legislative district conventions (March 13-27, 1988, and (3) State convention (April 14-15, 1988). At the March precinct caucuses 15 delegates will be at stake. The composition of the delegates will be as follows: 10 congressional district delegates, 3 at-large delegates, 2 pledged party elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2058.)

Republicans:

The Republicans will send 16 at-large delegates to the national convention. They will be selected at the State Convention on April 16-18, 1988 in a proportional representation method of allocation of delegates to reflect the results of the June 14, 1988 presidential primary. There is no threshold requirement in order for candidates to receive delegates. (See C.Q. Special Report: The Nominating Process at p. 2058.)

B. PRESIDENTIAL PREFERENCE PRIMARY

There are statutory provisions for a statewide presidential preference primary to be conducted concurrently with the statewide primary on the second Tuesday in June of every general election year (June 14, 1988) (§ 16.1-11-02). Presidential candidates, representing parties qualified to conduct a presidential preference primary, desiring to be on the presidential preference primary ballot shall file an affidavit, and either a certificate of endorsement signed by the chairman of the party's State committee, or a petition in the same form and with the same number of signatures as a candidate for

State office. The certificate and affidavit, or petition and affidavit, shall be filed with the Secretary of the State within the same time limits as State office candidates, and for the purposes of the presidential preference primary only, political parties may file certificates for more than one presidential candidate. The Secretary of State shall certify the names to the county auditors for ballot preparation (§ 16.1-11-07).

C. STATUTORY INSTRUCTIONS

The presidential preference primary shall be in addition to all other elections held on the date of the primary. Unless specifically forbidden by national party rules, the delegates selected by political parties shall be bound to cast their first ballots at the party national convention in such a manner that each candidate at the party's presidential preference primary receives a proportion of the total votes cast by the delegates equal to the proportion received by that candidate of the total votes cast for all candidates for president of that party at the primary. In computing the number of delegates a candidate may be entitled to on the first ballot, if party rules do not allow apportionment of a delegate and such an apportionment appears necessary because no candidate received more than five-tenths of a delegate, then that delegate shall be assigned to the candidate receiving the highest number of votes in the primary election. If a candidate withdraws before the first ballot voting begins, delegates obligated to vote for that candidate on the first ballot would be released from that obligation (§16.1-11-04).

OHIO

Delegates to National Conventions:
Democratic: 174
Republican: 88

A. MANNER OF SELECTION

Delegates and alternates to national party conventions are elected at primaries held on the first Tuesday after the first Monday in May in presidential election years, i.e., May 3, 1988 (Ohio Rev. Code, §§ 3513.01). A primary election shall be held on the first Tuesday after the first Monday in May (May 3, 1988) at which delegates and alternates to the national conventions of the different major political parties shall be chosen by direct vote of the electors. Candidates for delegate and alternate shall be qualified and the election shall be conducted in the manner prescribed in this chapter for the nomination of candidates for State and district offices, except as provided in section 3513.151 [3513.15.1] of the Revised Code and except that whenever any group of candidates for delegate at large or alternate at large, or any group of candidates for delegates or alternates from districts, file with the Secretary of State statements as provided by this section, designating the same persons as their first and second choices for President of the United States, such a group of candidates may submit a group petition containing a declaration of candidacy for each of such candidate. The group petition need be signed only by the number of electors required for the petition of a single candidate. No group petition shall be submitted except by a group of candidates equal in number to the whole number of delegates at large or alternates at large to be elected or equal in number to the whole number of delegates or alternates from a district to be elected (§ 3513.01, Supp.)

Political parties shall be eligible to elect delegates and alternates to national conventions or conferences of their respective political parties, other than conventions provided for in section 3513.12 of the Revised Code, if they notify the Secretary of State that they will elect such delegates. Such notification must be made prior to the ninetieth day before the day of the primary election which occurs in any year at which national convention or conference delegates and alternates are elected.

Petitions of candidacy for such delegates shall be filed in the form and manner provided by the Secretary of State.

Any political party electing delegates to a national convention or conference under this section in an odd-numbered year in which a statewide primary election is not otherwise required shall pay all expenses of that election (§ 3513.121, Supp.).

Democrats:

Democratic delegates to the national convention are chosen in a caucus process separate from the presidential primary on May 3, 1988. The allocation of delegates to the presidential candidates is based on the presidential primary vote. The winner in each congressional district obtains 1 delegate. One hundred and fifty-nine delegates are at stake at the May 8, 1988 presidential primary. A 15 percent threshold which is based on the congressional district and statewide primary vote is required to obtain delegates. The Democratic State Executive Committee on June 10, 1988 will choose the at-large delegates and alternates, the pledged party and elected officials, and the superdelegates. The Ohio Democratic delegation will have the following composition: 104 congressional district delegates, 34 at-large delegates, 21 pledged party and elected officials, and 15 superdelegates. (See C.Q. Special Report: The Nominating Process at pp. 2081-2082.)

Republicans:

The presidential candidate winning the statewide vote in the May 3, 1988 presidential primary takes all of the 25 at-large national convention delegates in a winner-take-all method of allocation. And presidential candidates winning in the congressional districts take all of the congressional district delegates. All 88 delegates are at stake at the May 3, 1988 primary. Presidential candidates determine their own slates of delegates. (See C.Q. Special Report: The Nominating Process at pp. 2081-2082.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The primary is held on the first Tuesday after the first Monday in May (May 3, 1988) in years in which a President is to be elected (§ 3513.01). Each person seeking to be elected as delegate or alternate to a national convention must file with his declaration of candidacy and certificate a statement in writing signed by him, in which he shall state his first and second choice for nomination as candidate of his party for the presidency of the United States. The name of no candidate for the presidency shall be used without his written consent. The results of the presidential preference primary generally determines the allocation of the national convention delegates of the respective parties to presidential candidates.

C. STATUTORY INSTRUCTIONS

Each person seeking to be elected as delegate or alternate to the national convention of his political party shall file with his declaration of candidacy and certificate a statement in writing signed by him in which he shall state his first and second choices for nomination as the candidate of his party for the presidency of the United States. The Secretary of State shall not permit any declaration of candidacy and certificate of a candidate for election as such delegate or alternate to be filed unless accompanied by such statement in writing. The name of a candidate for the presidency shall not be so used without his written consent.

A person who is a first choice for President of candidates seeking election as delegates and alternates shall file with the Secretary of State, prior to the day of the election, a list indicating the order in which certificates of election are to be issued to delegate or alternate candidates to whose candidacy he had consented, if fewer than all of such candidates are entitled under party rules to be certified as elected. Each candidate for election as such delegate or alternate may also file along with his declaration of candidacy and certificate a statement (§ 3513.12, Supp.).

OKLAHOMA

Delegates to National Conventions:
Democratic: 51
Republican: 36

A. MANNER OF SELECTION

The national convention delegation is selected in part by congressional district conventions and in part by a State convention. Delegates to the State and congressional district conventions are selected by county conventions composed of delegates selected at precinct caucuses. The delegates are to be chosen after the presidential preference primary on March 8, 1988 and are to be proportionately allotted to presidential candidates based on the presidential primary vote (Oklahoma Statutes Annotated, § 20-104, Supp.).

Democrats:

The Democratic delegates will be selected in a caucus process separate from the March 8, 1988 presidential primary. Forty-six delegates are at stake at the March 8, 1988 primary. The delegates will be selected to reflect the primary vote in a proportional representation method of allocation with a 15-

percent threshold of the vote required in the congressional district and statewide to receive delegates. Congressional district conventions (April 23) elect the district delegates, and the State convention (May 14–15) elects the at-large delegates and the pledged party and elected official delegates. The Democratic delegation will have the following composition: 30 congressional district delegates, 10 at-large delegates, 6 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2048.)

Republicans:
The Republican delegates will be selected in a caucus process that will reflect the presidential preference primary vote on March 8, 1988. The delegates will be allocated to the presidential candidates in a winner-take-all method of allocation of delegates. The presidential candidates winning in the congressional district takes all of the district's delegates. District conventions (March 26) elect district delegates, and the State convention (April 16) elects the at-large delegates. And the winner statewide takes all of the 18 at-large delegates. There are also 18 congressional district delegates. (See C.Q. Special Report: The Nominating Process at p. 2048.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preferential primary for recognized political parties shall be held on the second Tuesday in March 1988 (March 8, 1988), and on the same weekday in each of the years thereafter in which the President and Vice President of the United States are to be elected (§ 20-101, Supp.). Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. Said candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election Commission and shall have raised and expended not less than five thousand dollars ($5,000.00) for said office. The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. Said filing beginning at 8:00 a.m. on the second Monday in January and ending at 5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a presidential preferential primary to be held on a date other than the second Tuesday in March. A statement of candidacy must be accompanied by a petition supporting a candidate's filing signed by five percent (5%) of the registered voters eligible to vote for a candidate, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of two thousand five hundred dollars ($2,500.00). Said check shall be forfeited unless a candidate receives more than fifteen percent (15%) of the votes cast. The State Election Board shall cause the names of all candidates who have filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. Voters shall be restricted to one vote for the candidate of his choice of the political party in which the voter is registered (§ 20-102, Supp.).

Upon the completion of the State canvass of the results of the presidential preferential primary, the Secretary of the State Election Board shall certify to the State chairman of each political party which has candidates participating in the primary:

1. the names of the party's candidates and the votes each received, by congressional district as well as statewide; and
2. the total of the votes cast in the political party, by congressional district as well as statewide. Each candidate shall be awarded delegates by congressional districts proportionately, by the ratio of votes they received to the total vote cast in said congressional district; provided however, no delegates shall be awarded to any candidate receiving less than fifteen percent (15%) of the vote, and such votes shall be allocated among the other candidates in proportion to their total vote. If no candidate receives fifteen percent (15%) or more of the vote, then the candidate receiving the highest number of votes in that district shall be awarded all the delegates from that district. The candidate receiving the largest number of votes statewide shall be awarded all delegate votes authorized by the national committee of the political party which are selected as the at-large delegates at the State convention of said party. If the political parties involved in the primary elections will not accept the minimum threshold, or have a different method of allocating the votes of all candidates falling below such threshold, either as to the congressional districts or statewide vote, then these matters may be governed by the respective political parties involved. Votes shall be allocated on a basis of not less than one-half (½) delegate vote or the minimum allowed by the national party rules. Each political party shall then select, by a method to be determined by the party, as many delegates to the national party convention as are allotted it by the national committee of that party. No later than 5:00 p.m. on the tenth day of January 1988, and each year thereafter in which the President and Vice President of the United States are to be elected, the Attorney General shall submit to the Secretary of the State Election Board notice of the manner in which results of the next following presidential preferential primary are to be certified and to whom said results are to be certified. The State Election Board shall certify results according to the manner prescribed in the notice. The Attorney General shall be required to provide said notice in such a way as to be consistent with the methods required by the recognized political parties relative to selection of delegates to their national conventions (§ 20-104, Supp.).

C. STATUTORY INSTRUCTIONS

Each delegate or alternate delegate to the national convention of his political party shall cast their vote on all ballots for the candidate who received this State's vote. If that candidate is for any reason no longer a candidate, the votes of the Oklahoma delegation shall be cast for any candidate of their choice (§ 20–104(H), Supp.). No person selected as a delegate or alternate delegate shall qualify to attend the national convention of his political party unless he files with the State central committee of his party a signed affidavit of acceptance stating his name, address, that he is a registered voter of the political party and, pursuant to effectuating the purpose and the result of the presidential preferential primary in this State, that he pledges himself to vote for the winning candidate. Any vote cast by a delegate which is not in accordance with his delegate pledge shall be void (§ 20–105, Supp.).

OREGON

Delegates to National Conventions:
Democratic: 51
Republican: 32

A. MANNER OF SELECTION

After a presidential preference primary election, each major political party by convention shall select delegates to the national convention of that party (Oregon Revised Statutes, § 248.315(1)). A presidential preference primary will be held on May 17, 1988.

A convention to select delegates shall be called and held at the time and place designated by the State central committee. If the committee, not later than the 10th day after the primary election, provides a copy of the notice of a congressional district convention for each delegate within the county to each county clerk whose county in part or in whole is within the congressional district, the county clerk shall mail a copy of the notice to each newly elected precinct committeeperson when the county clerk mails the certificate of election or acceptance of office form required by subsection (1) of § 248.023 of the Oregon Revised Statutes (§ 248.315(2)).

Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) the candidate is nominated at the convention;

(b) the candidate receives less than 35 percent of the votes for nomination at the convention;

(c) the candidate releases the delegate from the pledge; or

(d) two convention nominating ballots have been taken (§ 248.315(3)).

Democrats:

Democratic delegates will be selected in a caucus process after the May 17, 1988 presidential preference primary. The delegates will be allocated to the winning presidential candidates in proportional representative method of allocation to reflect the results of the primary. Forty-five delegates are at stake at the May 17, 1988 presidential primary. A 15 percent threshold of the congressional district and statewide vote is required to receive delegates. The composition of the Democratic delegation is as follows: 29 congressional district delegates, 10 at-large delegates, 6 pledged party and elected officials, and 6 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2091.)

Republicans:
The Republican national convention delegates will be chosen in a caucus process separate from the May 17, 1988. The allocation of the 15 congressional district delegates and the 17 at-large delegates will reflect the primary results in a proportional representation method of allocation. There is no threshold requirement for Republican presidential candidates in order to obtain delegates. (See C.Q. Special Report: The Nominating Process at p. 2091.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary is scheduled for May 17, 1988 (§ 254.056(2)). The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot or ballot label only: By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or by nominating petition described in this section and filed with the Secretary of State.

A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid (§ 249.078).

The allocation of delegates to the national nominating conventions is based on the presidential preference primary vote. The delegates are selected in a caucus process after the primary.

C. STATUTORY INSTRUCTIONS

Delegates are bound to vote for the presidential candidate for whom they were selected for two ballots unless released by the candidate or the candidate receives less than 35 percent of the votes for nomination of the convention (§ 248.315(3)).

PENNSYLVANIA

Delegates to National Conventions:
Democratic: 193
Republican: 96

A. MANNER OF SELECTION

A primary for the expression of presidential preferences is to be held on the fourth Tuesday in April of the presidential election years, i.e., April 26, 1988 (Pennsylvania Statutes, Annotated, title 25, § 2753). Delegates and alternates to national conventions shall be apportioned, selected or elected in accordance with party rules which must be certified by the party secretary and filed with the Secretary of the Commonwealth at least thirty days prior to the primary (§ 2838.1). Where delegates are elected through the primary, candidates must file nomination petitions signed by registered and enrolled party members and the presidential candidate the delegate seeks to represent (§ 2867). Petitions are to be on forms provided by the Secretary of the Commonwealth and for delegate candidates pledged to particular presidential candidates are obtainable only from the candidate or his authorized agent, and the presidential candidate must give the Secretary notice of his intention at least fifteen days prior to the first day petitions may be circulated (§ 2839.1). Petitions may not be circulated prior to the thirteenth Tuesday before the primary (§ 2868) and must be filed with the Secretary of the Commonwealth on or before 5:00 p.m. on the tenth Tuesday before the primary (§ 2873). Candidates must also file with their petitions affidavits showing residence, election district, that he or she is a registered party member, or to whom he or she is committed, if committed or "uncommitted" and certain other information (§ 2870). The petition may also include a statement of delegate commitment to a presidential candidate (§ 2871).

Democrats:

At the April 26, 1988 presidential preference primary, there is a direct election of 116 congressional district delegates. A 15 percent threshold of the congressional district vote is required to win delegates other than congressional district delegates. The delegates are slated on the presidential primary ballet with their presidential preference indicated. The remaining national convention delegates will be selected by the State committee. The remaining delegates will include: 39 at-large delegates, 23 pledged party and elected officials, and 15 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2077.)

Republicans:

There will be a direct election of 78 congressional district delegates at the April 26, 1988 presidential preference primary. The Republican State committee will select the 18 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2077.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A primary for the expression of presidential preferences and the election of delegates and alternates to the national convention, if so provided in party rules, will be held on the second Tuesday in April (April 26, 1988) in presidential election years (§§ 2862, 2753). The presidential preference primary is a non-binding advisory presidential primary. And at the April 26 primary, there is an election of national convention delegates by congressional district.

The names of candidates for nomination as President of the United States, and the names of all other candidates for party nominations, and for election as delegates, alternate delegates, members of the committees and other party officers, shall be printed upon the official primary ballot labels of a designated party, upon the filing of separate nomination petitions in their behalf, in form prescribed by the Secretary of the Commonwealth, signed by duly registered and enrolled members of such party who are qualified electors of the State, or of the political district, as the case may be, within which the nomination is to be made or election is to be held. Nomination petitions of delegates and alternate delegates to National conventions committed to support a particular presidential candidate must be signed by the particular presidential candidate to whom support is pledged before it can be certified by the Secretary of the Commonwealth. The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary, unless such petition shall have been filed in his behalf. In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate, alternate delegate, member of committee or other party officer, unless he is a duly registered and enrolled member of said party. (§ 2867).

Candidates for nomination as President of the United States are to present a nominating petition containing signatures of 2,000 registered and enrolled party members. (§ 2872.1). A filing fee of $200 is also required (§ 2873). All nomination petitions are to be filed on or before the tenth Tuesday prior to the primary (§ 2873(d)). A political party may have a "no preference" column added on the primary election ballot (§ 2962(d)).

C. STATUTORY INSTRUCTIONS

Delegate candidates in the primary may sign a general pledge to support a candidate for nomination (§ 2871). Whenever the rules of a party provide that a candidate for delegate or alternate delegate to a national convention of a political party and may pledge his support to a presidential candidate, he shall be committed to support and vote for the nomination of that candidate as President as party rules provide, the notation of which shall be printed upon the ballot. No candidate for delegate or alternate delegate shall make a commitment unless he has obtained prior authorization to do so from the presidential candidate to whom he is pledging support. No candidate for delegate or alternate delegate shall be allowed to commit himself to any presidential candidate nor shall the Secretary of the Commonwealth cause any notation of commitment to be printed on any ballot unless the presidential candidate forwards notice to the Secretary of the Commonwealth, upon a form prescribed by the Secretary, that he is a candidate for the nomination of President of the United States and that he authorizes delegates and alternate delegates to pledge their support and commit themselves to him. This notice must be received by the Secretary at least fifteen days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the spring primaries in the years in which candidates for the President of the United States are to be nominated. Nomination petitions for delegates committed to particular presidential candidates shall be obtained only from the presidential candidate or his duly authorized representative who is certified by the Secretary of the Commonwealth as being authorized by the candidate to distribute nomination petitions bearing his name. (§ 2839.1)

RHODE ISLAND

Delegates to National Conventions:
Democratic: 26
Republican: 21

A. MANNER OF SELECTION

Delegates to national conventions are selected in a primary election to be held on the second Tuesday in March (March 8, 1988) (General Laws of Rhode Island, § 17-12.1-1). At the presidential preference primary there shall be elected such number of delegates and alternates from congressional districts as determined by party rules certified to the Secretary of State by the chairman of the State committee on or before the first Tuesday in January preceding the primary (§ 17-12.1-2). Candidates for delegate must sign and file a declaration of candidacy on forms provided by the Secretary of State during the period between January 9 and January 19 (§ 17-12.1-3). The Secretary of State is to provide declared candidates with nomination papers to be signed by at least 150 party voters (§ 17-12.1-6) and submitted to the local board of the city or town, where the signers appear as voters, for verification on or before 4 p.m. of the 35th day prior to the primary (§ 17-12.1-7). The local board files the papers with the

Secretary of State (§ 17-12.1-7). Delegate candidates may also submit to the Secretary of State documentation of approval from presidential candidates on or before 4 p.m. on the 30th day prior to the primary (§ 17-12.1-7).

The ballot is to be prepared to clearly show the presidential preference or uncommitted status of delegate candidates (§ 17-12.1-11). The number of delegates and the designation of winning delegates shall be determined pursuant to the rules of such political party filed with the Secretary of State as provided by this chapter (§ 17-12.1-9).

Democrats:

The 14 congressional district delegates are elected at the March 8, 1988 presidential primary; they are allocated to the winning presidential candidates in a proportional representation method of allocation of delegates to reflect the results of the primary vote. Twenty-two delegates are at stake at the March 8, 1988 primary. A 15 precent threshold of the vote both in the congressional district and statewide vote is required to receive delegates. The 5 at-large delegates, the 3 pledged party and elected officials, and the 4 superdelegates will be selected by the Democratic State party committee on June 13, 1988. (See C.Q. Special Report: The Nominating Process at p. 2055.)

Republicans:

Twenty congressional district delegates will be elected at the March 8, 1988 presidential primary. The congressional district delegates will reflect the results of the presidential primary. A presidential candidate must receive a 20 percent threshold based on the congressional district vote to obtain delegates. There will be 1 at-large delegate to the national convention. (See C.Q. Special Report: The Nominating Process at p. 2055.)

B. PRESIDENTIAL PREFERENCE PRIMARY

Delegates and alternates to the national convention are elected in a primary held on March 8, 1988. The Secretary of State shall announce ten days prior to the first day for filing of declaration of candidacy by delegates, the names of those bona fide national candidates for presidential nominee known to him and on or before said date of announcement, shall by registered mail duly notify such candidates of his intent to place their names on the ballot.

Any other person seeking the endorsement of a national political party for which a primary is being held, shall at least two days prior to the first day of the period for the filing of declarations of candidacy by delegates file with the Secretary of State:

(a) a written request signed by the chairman of the State committee; or

(b) a petition signed by at least one thousand qualified party voters, whose names shall have been previously certified by the local canvassers, requesting that said Secretary of State place his name on the ballot, and the Secretary of State shall announce his name as a presidential nominee. If any candidate whose name has been announced as a presidential nominee does not thereafter wish his name to appear on the ballot, he shall at least thirty days prior to the date for primary, file an affidavit with the Secretary of State stating his name may not be placed on the ballot. Names of delegates committed to such withdrawn candidate, who are otherwise qualified, shall appear on the ballot as uncommitted (§ 17-12.1-4).

C. STATUTORY INSTRUCTIONS

None.

SOUTH CAROLINA

Delegates to National Conventions:
Democratic: 48
Republican: 37

A. MANNER OF SELECTION

Democrats:
The South Carolina Democrats in 1988 will not have a presidential peference primary. The Democrats will select their national convention delegation by a three-step caucus process. Democratic precinct caucuses will begin the process on March 12, 1988. Forty-four delegates are at stake at the March 12 precinct caucuses. County conventions are scheduled for March 21 and 28, 1988. The State convention (April 16) selects the district delegates, the at-large delegates, and the pledged party and elected official delegates. The Democratic National Convention delegation will have the following composition: 29 congressional district delegates, 9 at-large delegates, 6 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2010.)

Republicans:
South Carolina Republicans will hold a presidential preference primary on March 5, 1988. The national convention delegates are elected in a separate caucus process but must reflect the results of the presidential primary. A winner-take-all method of allocation of delegates is employed. All 37 delegates are at stake at the March 5, 1988 presidential primary. The winner in a congressional district takes all of the district's delegates, and the winner statewide takes all of the 19 at-large delegates. The State convention (April 9) elects the at-large delegates. There are 18 congressional district delegates (See C.Q. Special Report: The Nominating Process at p. 2010.)

B. PRESIDENTIAL PREFERENCE PRIMARY

No statutory provisions.

C. STATUTORY INSTRUCTIONS

None.

SOUTH DAKOTA

Delegates to National Conventions:
Democratic: 19
Republican: 18

A. MANNER OF SELECTION

In the years when a President of the United States is to be elected, the political parties shall elect delegates and alternates to the national convention of each political party in accordance with the provisions of §§ 12-5-3.6 to 12-5-3.15, inclusive. If delegates and alternates are not elected at large from the entire State, the constitution or bylaws must set forth the area boundaries for representation coincident with some geographical division of the State otherwise authorized or provided by law (South Dakota Compiled Laws, § 12-5-2, Supp.).

In the event the political party does not choose by its constitution, bylaws or its State convention the method of selecting its delegates and alternates to the national convention, it shall, at its State party convention, meeting in the even non-presidential years, choose the method of selection from the alternatives as follows:

(a) the slate of delegates and alternates receiving the highest number of votes shall be declared elected;

(b) the total number of delegates and an equal number of alternates to the national convention shall be allocated between the two leading slates of the political party, and the same proportion of the total vote each slate received bears to the total combined votes of both slates. The appropriate number of delegates and alternates from each slate shall be deemed elected in the order in which the names appeared on the ballot; and

(c) an allocation may be made among two or more slates which grants representation proportionately to various slates receiving a number of votes stated in the constitution or bylaws of the political party to be significant for purposes of representation of either, area of the State or support for candidates, or both, which shall be stated in the constitution or bylaws. A certificate of election shall be issued by the State party chairman to each delegate and each alternate entitled thereto by allocation (§ 12-5-3.10).

In the event a political party has no prescribed method of selection of slates of delegates and alternates to its national convention, the slates of delegates and alternates to the national convention shall be elected by the primary. Names of candidates for delegates and alternates to the national convention, in number equal to the entire number of such delegates and alternates to be selected, shall be grouped in a slate under the respective designations upon a single nominating petition, which will contain a statement indicating their collective preference choice for President of the United States, if any, or that they have no preference or are uncommitted (§ 12-5-3.11).

Democrats:

District delegates to the Democratic National Convention will be selected in a single statewide caucus process on March 12, 1988 that will reflect the results of the February 23, 1988 presidential preference primary. Fifteen delegates are at stake at the February 23, 1988 presidential primary. The delegates will be allocated to the presidential candidates in a proportional representation method of allocation with a 15 percent threshold of the statewide vote required in order to obtain delegates. The State committee meeting elects the at-large delegates and the pledged party and elected official delegates. The Democratic delegation will have the following composition. 10 congressional district delegates, 3 at-large delegates, 2 pledged party and elected officials, and 4 super-delegates. (See C.Q. Special Report: The Nominating Process at p. 2004.)

Republicans:

The 18 at-large Republican delegates to the National Convention will be selected in a caucus process to reflect the results of the February 23, 1988 presidential primary. The method of allocation of delegates employed will be the proportional representation method of allocation of delegates with a 20 percent threshold of the primary vote statewide required in order to receive delegates. (See C.Q. Special Report: The Nominating Process at p. 2004.)

B. PRESIDENTIAL PREFERENCE PRIMARY

In a year when a President of the United States is to be elected, the primary for selection of delegates and alternates to the national convention shall be held on the last Tuesday in February of that year (§ 12-2-1, Supp.). (February 23, 1988). If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, it shall certify the slates to the Secretary of State by the last Tuesday in December preceding the primary by five o'clock p.m. The slates certified shall be placed on the ballot by the Secretary of State and the position of the slates on the primary ballot shall be chosen by lot by the Secretary of State. The certification shall be deemed to be filed if mailed by registered mail by five o'clock p.m. on the last Tuesday in December (§ 12-5-3.8, Supp.) Any candidate, committee or group supporting a candidate in any of the presidential primaries, shall, by the last Tuesday in December prior to the presidential primary election, notify the Secretary of State that they intend to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both (§ 12-5-3.14).

Both major political parties will select their delegates in a separate caucus process. The national convention delegates will be allotted to the presidential candidates based on the presidential preference primary results.

C. STATUTORY INSTRUCTIONS

None.

TENNESSEE

Delegates to National Conventions:
Democratic: 77
Republican: 45

A. MANNER OF SELECTION

On the second Tuesday in March, 1988 (March 8, 1988) and every four (4) years thereafter, an election will be held to elect delegates to the national conventions of all statewide political parties (Tennessee Code Ann., § 2-13-302, Supp.). On the second Thursday in January next preceding the election, the chairpersons of each statewide political party will certify to the Secretary of State and the coordinator of elections the number of delegates and alternates to the national convention allocated by the national party to be elected by the State party.

The chairperson will further certify to the Secretary of State and the coordinator of elections:

(1) The number of delegates allocated to the State party by the national party to various congressional districts within Tennessee; and

(2) The number of delegates-at-large allocated by the national party to the State party.

Delegates-at-large and alternates shall be elected in accord with the rules of the respective parties. If the party executive committee decides to elect the at-large delegates and alternates, it shall meet to do so after the second Tuesday in March and before the first Tuesday in April, such election to be by open ballot of the committee members and no secret balloting shall be permitted. Alternate delegates shall be elected proportional to the vote for delegates in the party's delegate election. All State party allocations must be in accord with the charter, rules, and bylaws of the respective national party.

There shall be at least three (3) delegates allocated to each congressional district unless such allocation violates the charter, bylaws or rules of the respective national political parties. Where a political party has allocated three (3) delegates from each congressional district by national party rules, at least one-third (⅓) of the at-large delegates shall be elected by popular vote on the ballot.

The respective party executive committees shall meet prior to the second Thursday in January to determine how the provisions of this section with respect to the division of delegates by district and at-large and the method of selecting at-large delegates, and the chairperson of each party shall certify the decisions of the executive committee to the Secretary of State and the coordinator of elections.

In no case shall the candidate receiving the greatest number of votes in a primary have apportioned to him a lesser number of delegates than the candidate with the next greatest number of votes. If one (1) candidate with a total number of votes statewide greater than other candidates, receives fewer delegates from districts than the other candidates, then the at-large delegates shall be so apportioned as to reflect the percentage of the vote received by the candidate with the greatest number of votes and his competitors (§ 2-13-303, Supp.)

Candidates for election as delegates to the national convention of a political party shall qualify by filing nominating petitions no later than twelve o'clock (12:00) noon prevailing time on the third Thursday in January of the presidential election year in the office of the Secretary of State in Nashville.

Nominating petitions shall be signed by the candidate and three hundred (300) or more registered voters who are eligible to vote to fill the position.

Nominating petitions shall bear the name and address of the candidate.

The sufficiency of such petitions, including the requisite quantity and authenticity of signatures, shall be verified by the county election commission.

If the candidate does not file by the deadline specified in this section, his name shall not be printed on the ballot.

Nominating petitions for delegate candidates may be mailed to the Secretary of State and if postmarked by twelve o'clock (12:00) noon prevailing time on the third Thursday in January, shall be considered as being filed in time. (§ 2-13-305, Supp.).

Certified copies of the original nominating petition and declaration of delegate candidacy shall be filed by the Secretary of State with the coordinator of elections, with the chairperson of the State executive committee of the candidate's party, and with the chairperson of the State election commission.

The chairperson of the State election commission shall no later than four thirty p.m. (4:30 p.m.), prevailing time, on the third Thursday in January, certify to the chairperson of the appropriate county election commission the names of all delegate-candidates who have qualified to have their names printed on the ballot in that county (§ 2-13-310, Supp.).

Democrats:

Democratic delegates to the national convention are chosen in a caucus process that reflects the results of the March 8, 1988 presidential primary. Seventy delegates are at stake at the March 8 presidential primary. The method of allocation of delegates is the proportional representation method of allocation with a 15 percent threshold of the congressional district and statewide vote required in order to obtain delegates. State committee meeting selects the at-large delegates and the pledged party and elected official delegates. The Democratic delegation to the national convention will be composed as follows: 46 congressional district delegates, 15 at-large delegates, 9 pledged party and elected officials, and 7 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2044.)

Republicans:

Thirty-three delegates are elected at the March 8, 1988 presidential primary election which include: 27 congressional district delegates and 6 at-large delegates. The State Executive

Committee will choose the remaining 12 at-large delegates. They are allocated to the presidential candidates in a proportional representation method of allocation of delegates. Presidential candidates must attain a 15 percent threshold of the vote in the congressional district and in the State in order to obtain delegates. The 18 at-large delegates will be selected by the Republican State Executive Committee (March 26). (See C.Q. Special Report: The Nominating Process at p. 2044.)

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on the second Tuesday in March (March 8, 1988) (§ 2–13–205, Supp.).

The names of candidates for President of the United States shall be printed on the ballot for the presidential preference primary only if they were:

(1) The names of persons who the Secretary of State in his sole discretion has determined are generally advocated or recognized as candidates in national news media throughout the United States. The Secretary of State shall submit the names to the State election commission no later than the first Tuesday in January of the year in which the election will be held. If a candidate who has been certified by the Secretary of State wishes to be a candidate in the presidential primary of a party other than that for which the Secretary of State certified him, he shall signify his political party preference to the State election commission no later than twelve (12:00) noon, prevailing time, on the second Tuesday in January and his name shall be certified only for the ballot of his chosen party, as the case may be.

(2) The names of persons for whom nominating petitions, signed by at least twenty-five hundred (2,500) registered voters of the party whose nomination is sought and by the candidate, are filed not later than twelve o'clock (12:00) noon, prevailing time, on the first Tuesday in January of the year in which the election will be held. The nominating petitions shall be filed with the State election commission and certified duplicates with the coordinator of elections and with the chairperson of the candidate's party's State executive committee. No candidate may enter the presidential primary of more than one statewide political party.

The Secretary of State shall advise each of the prospective candidates by the most expeditious means available that, unless he withdraws his name by twelve o'clock (12:00) noon, prevailing time, on the second Tuesday in January of the year in which the election will be held, his name will appear on the ballot of his party in the presidential preference primary. If such a person executes and files with the State election commission an affidavit stating without qualification that he is not and does not intend to become a candidate for President in the forthcoming presidential election, his name shall not be on the ballot.

The Secretary of State shall certify to the county election commission on the second Thursday in January the names which this section requires to be on the ballot for each political party (§ 2–5–205, Supp.).

On the Tuesday in January of the year in which the election will be held, the Secretary of State shall notify all nationally recognized candidates for President that their names are to be placed on the Tennessee presidential preference primary ballot. Such notice shall also be given at the same time to all of the statewide political parties.

Any person, who is notified that his name is to be placed on such ballot and who does not desire his name to appear on such ballot, shall execute and file with the Secretary of State an affidavit stating without qualification that he is not and does not intend to become a candidate for President in the forthcoming presidential election. Such person shall file such affidavit with the Secretary of State prior to twelve o'clock (12:00) noon prevailing time on the second Tuesday in January of the year in which the election is to be held.

On the second Thursday in January, after twelve o'clock (12:00) noon prevailing time, the Secretary of State shall announce the candidates for President who shall appear on the ballot and shall issue a call for an election for the purpose of electing delegates to the national conventions of all statewide political parties. (§ 2-13-304, Supp.).

In the event that a delegate-candidate is subject to the provisions of § 2-13-308(2), he shall provide the Secretary of State with the presidential candidate's written consent thereto no later than twelve o'clock (12:00) noon prevailing time at the time he files his nominating petition. In the event that such consent is not granted in writing by the presidential candidate, then the name of the delegate-candidate shall appear on the ballot as an uncommitted delegate-candidate. Each presidential candidate must consent for each district to at least one more and no more than twice the number of delegate-candidates being pledged to him than the number of delegates allocated to the district (§ 2-13-309, Supp.).

Delegates elected from a congressional district shall be allocated among the presidential candidates and the uncommitted designation as proportionally as is mathematically possible to the number of votes received in the presidential preference selection within such congressional district. If the number of votes received by a presidential candidate in any congressional district is less than fifteen percent of the votes cast in such district, no delegates shall be allocated to such candidate and such votes of less than fifteen percent shall be considered as votes for the uncommitted designation (§ 2-13-313). Delegates-at-large and alternates shall be allocated among the presidential candidates or as uncommitted designation as proportionally as is mathematically possible to the proportion of the vote received by that candidate. If the total number of votes received by a presidential candidate in the State at large is less than fifteen percent of the votes cast, no delegate-at-large or alternates shall be allocated to such candidate and such votes of less than fifteen percent shall be considered as votes for the uncommitted designation (§2-13-315).

C. STATUTORY INSTRUCTIONS

The results of the preferential presidential primary shall be binding on the delegates to the national conventions as hereinafter provided. The delegates to the national conventions shall be bound by the results of the preferential presidential primary for the first two ballots and shall vote for the candidate whom they are pledged. The delegates shall thereafter be bound to support such candidate so long as he, not to exceed two ballots, has twenty percent of the total convention vote or until such time the candidate of their party releases them from the results of the presidential preference primary (§ 2-13-317).

TEXAS

Delegates to National Conventions:
Democratic: 198
Republican: 111

A. MANNER OF SELECTION

The State of Texas will have a presidential preference primary on March 8, 1988. The results of the presidential preference primary will determine the allocation of most of the national convention delegates who are selected in a caucus process after the primary.

If a political party holding a primary election in a presidential election year desires to send delegates to a national presidential nominating convention of the party, the party shall select the delegates at a State convention convened on any day in June of the presidential election year. Before the date of the party's precinct conventions held under Chapter 174, the party's State executive committee shall choose the date, hour, and place for the State convention. The State convention shall consist of delegates selected at the party's county and senatorial district conventions held under Chapter 174. Before the date of the party's precinct conventions, the party's State chairman shall deliver written notice of the date, hour, and place for the State convention to:

(1) the Secretary of State;

(2) each county chairman of the party; and

(3) the temporary chairman of each senatorial district convention of the party (§ 191.031, Supp.).

If a political party not holding a primary election in a presidential election year desires to send delegates to a national presidential nominating convention of the party, the party shall select the delegates at the State convention at which the party is authorized to make nominations for State offices (Vernon's Texas Codes Ann. (Election Code) § 191.032, Supp.).

Democrats:

The Democratic delegates will be chosen in a three-step caucus-convention process to reflect the presidential primary vote. Precinct caucuses are scheduled on March 8, 1988; county conventions are scheduled on March 19, 1988; and the State convention at which the national convention delegates will be actually selected is scheduled for June 17-18, 1988. At the March 8, 1988 primary, 183 delegates are at Stake.

The method of allocation of delegates will be the proportional representation method based on the results of the primary and caucus vote with a 15 percent threshold requirement. The composition of the Democratic delegation will be as follows: 119 congressional district delegates, 40 at-large delegates, 24 pledged party and elected officials, and 15 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2028.)

Republicans:
The Republican National Convention delegation will be selected after the March 8, 1988 presidential primary at the State convention (June 9–11) in a process that will reflect the results of the primary. The Republican delegation will be composed of 81 congressional district delegates, and 30 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2028.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The presidential preference primary shall be held on the second Tuesday in March in each presidential election year (March 8, 1988) (§ 41.007(c), Supp.). To be entitled to have its nominees for President and Vice President of the United States placed on the general election ballot in a particular presidential election year, a political party must hold a presidential primary election in this State if:

(1) in the presidential election year, the party is required by this code to nominate its candidates for State and county offices by primary election;

(2) a presidential primary election is authorized under national party rules; and

(3) before January 1, of the presidential election year, the national party has determined that it will hold a national presidential nominating convention that year (§ 191.001, Supp.).

Candidates qualify to have their names on the presidential primary election ballot in the manner provided by party rule. If party rules provide for the filing of applications or signature petitions to qualify candidates for a place on the ballot, the filing deadline may not be later than the regular filing deadline for candidates in the general primary election. A signature on a candidate's petition is not valid unless it is that of a registered voter and is accompanied by the signer's residence address, including county, and voter registration number. A person may not sign petitions supporting more than one presidential candidate in the same primary, and, if a person does so, the person's signature is void as to all petitions he signs (§ 191.002, Supp.). The State chairman of each political party holding a presidential primary election shall certify the name of each presidential candidate who qualifies for a place on the presidential primary election ballot and deliver the certification to the Secretary of State not later than the 57th day before presidential primary election day (§ 191.003, Supp.).

C. STATUTORY INSTRUCTIONS

Each political party holding a presidential primary election shall adopt a rule for allocating delegates based on the results of the presidential primary election. At least 75 percent of the total number of delegates who are to represent this State at the party's national presidential nominating convention, excluding delegates allocated among party and elected officials, shall be allocated in accordance with the rule among one or more of the candidates whose names appear on the presidential election ballot and, if applicable, the uncommitted status (§ 191.007, Supp.).

UTAH

Delegates to National Conventions:
Democratic: 27
Republican: 26

A. MANNER OF SELECTION

The national convention delegates are chosen by the respective State conventions of the Democratic and Republican parties. During the month of June of each even-numbered year, the delegates elected to the State primary convention of each political party by the several county primary conventions of the party, shall convene at a place in the State designated by the State central committee in a State primary convention. At the convention, the delegates organize and elect nominees to run on the party ticket at the regular primary election for all appropriate elective offices, and shall adopt a State platform for the political party for the ensuing election. In years of presidential elections, they shall also select presidential electors and the necessary delegates and alternates to the national convention and select the national committeeman and committeewoman for the State of Utah (Utah Code Annotated, §20-4-3).

Democrats:

The Democratic National Convention delegation is chosen in a two-step process at local mass meetings on April 25, 1988 and at the State convention on June 18, 1988. At the mass meetings a presidential preference vote is taken which is used to allocate presidential candidates attaining a 15 percent threshold. Twenty-three delegates are at stake at the April 25, 1988 local mass meetings. The Utah delegation will have the following composition: 15 congressional district delegates, 5 at-large delegates, 3 pledged party and elected officials, and 4 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2076.)

Republicans:

The Republican delegates are selected in a three-step process: (1) local mass meetings on April 25, 1988 at which a presidential preference straw vote is taken, (2) county conventions between May 1-31, 1988, and (3) the State convention on June 10-11, 1988. The national convention delegates are actually selected at the State convention on June 10-11, 1988. The Republican delegation will be composed of 9 congressional district delegates and 17 at-large delegates. (See C.Q. Special Report: The Nominating Process at p. 2076.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

VERMONT

Delegates to National Conventions:
Democratic: 19
Republican: 17

A. MANNER OF SELECTION

Delegates and alternates to national conventions of political parties are chosen at the respective party State conventions. The State committee of each party shall call a party convention, under regulations prescribed by the committee, to be held during the third week of May in each presidential year. At such convention, delegates and alternates to the national convention of such party to the number apportioned to their State shall be elected (Vermont Statutes Annotated, Title 17, § 2715). The presidential preference primary on March 1, 1988 is a nonbinding advisory presidential primary (Republican party only in 1988).

Democrats:
The Democratic National Convention delegation is selected in a two-step caucus process beginning with town and city caucuses on April 19, 1988 and ending with the State convention on May 21, 1988. Fourteen delegates are at stake at the April 19, 1988 caucuses. The town and city caucuses select delegates to the State convention, and the State convention selects delegates to the national convention. The Democratic delegation will be composed as follows: 9 congressional district delegates, 3 at-large delegates, 2 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2008.)

Republicans:
The Republican National Convention delegation will be composed of 17 at-large delegates. Town and city caucuses are scheduled for April 26, 1988 at which delegates will be selected for the State convention. The State convention is scheduled for May 21, 1988 at which the national convention delegates are selected. At the State convention delegates are slated according to their presidential preference. (See C.Q. Special Report: The Nominating Process at p. 2008.)

B. PRESIDENTIAL PREFERENCE PRIMARY

In presidential election years, in municipalities holding their annual meeting on the first Tuesday in March (March 8, 1988) there shall be held a presidential preference primary for each major political party. This is a nonbinding advisory presidential preference primary. The Secretary of State shall prepare and distribute for use at the primary an official ballot containing separate columns for balloting for candidates for each party for which one or more candidates qualify for the placing of their name on the ballot under section 2702 of title 17 (Vermont Statutes Annotated, Title 17, § 2701).

The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least one thousand voters in accordance with sections 2353, 2354 and 2358 of this title are filed with the Secretary of State, together with the written consent of the person to the printing of his name on the ballot. Petitions shall be filed not later than 5:00 p.m. on the third Monday of January preceding the primary election. The petition shall be in a form prescribed by the Secretary of State. A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election. Each petition shall be accompanied by a filing fee of $500.00 to be paid to the Secretary of State and deposited by him into the general fund. However, if the petition of a candidate is accompanied by the affidavit of the candidate that he and his campaign committee are without sufficient funds to pay the filing fee, the Secretary of State shall waive payment of the filing fee by that candidate (Title 17, § 2702).

There shall be one column on the ballot for each political party for President. The names of all candidates shall be listed in alphabetical order. Each voter shall have an opportunity to vote his preference for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of his choice (Title 17, § 2704).

C. STATUTORY INSTRUCTIONS

None.

VIRGINIA

Delegates to National Conventions:
Democratic: 85
Republican: 50

A. MANNER OF SELECTION

Virginia will hold a presidential preference primary on March 8, 1988. The allocation of delegates to the winning presidential candidates will be determined by rules of the State major political parties.

Democrats:

The Democratic National Convention delegation will be chosen in a caucus process separate from the March 8, 1988 presidential primary. The delegates will be allocated to the presidential candidates in a proportional representation method of allocation with a 15 percent threshold of the congressional district and statewide vote required in order to receive delegates. Seventy-five delegates are at stake at the March 8, 1988 primary. The Democratic delegation will be composed as follows: 49 congressional district delegates, 16 at-large delegates, 10 pledged party and elected officials, and 10 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2042.)

Republicans:
The Republican delegation to the national convention will be composed of 30 congressional district delegates and 20 at-large delegates. The delegates are chosen in a three-step separate caucus process: (1) local mass meetings, (2) congressional district conventions, and (3) the State convention (June 10–11, 1988). (See C.Q. Special Report: The Nominating Process at p. 2042.)

B. PRESIDENTIAL PREFERENCE PRIMARY

On Tuesday, March 8, 1988, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party of his choice and to express his preference for the presidential candidate of that political party (Code of Virginia, § 24.1-202.1, Supp.) The State Board of Elections shall meet at the offices of the Board in Richmond on Tuesday, January 5, 1988, and shall nominate as presidential primary candidates all candidates affiliated with a political party who have become eligible to receive payments from the Presidential Primary Matching Payment Account as provided in § 9033 of the U.S. Internal Revenue Code of 1954, as amended (§ 24.1-202.3A, supp.). The Board shall nominate, in addition, as presidential primary candidates for each political party those candidates certified to it on or before 5:00 p.m., Monday, January 4, 1988, by the State chairman of the political party in accordance with this subsection. Each political party shall provide by rule for a committee to determine the names of all candidates of the party for the office of President of the United States whose candidacy is generally advocated or recognized in the national news media throughout the United States to be placed on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States. The committee shall make its determination prior to January 4, 1988, and the State party chairman shall certify only those names determined by the committee (§ 24.1-202.3B, Supp.).

Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the State Board of Elections petitions signed by qualified voters equal in number to one-half of one percent of the number of voters registered in the Commonwealth as of January 1, 1987, including at least 20 qualified voters from each congressional district in the Commonwealth who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed by the petitioners with the Board no later than 5:00 p.m. on Monday, December 14, 1987, with a letter of consent signed by such candidate. Such petitions may be circulated beginning only on and after July 1, 1987 (§ 24.1-20 Supp.).

The petitions shall state the name of the candidate for nomination and the name and address of the chairman of any such group organized to circulate petitions. The petitions shall be on a form prescribed by the Board. The petition shall list the social security number and resident address of each such qualified voter, and each voter signature shall be witnessed by a person who is himself a qualified voter and is a resident of the same congressional district as the voter whose signature is witnessed, and whose affidavit to that effect appears on each page of the petition. The Board shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the chairman of such group organized to circulate petitions (§ 24.1-202.4, Supp.).

The State Board of Elections shall forthwith contact each person who has been nominated by the Board or by petition and notify him in writing that, upon receipt of his declaration of candidacy filed with and received by the Board on or before Wednesday, January 20, 1988, his name will be printed as a candidate of a specified political party on the Virginia presidential preference primary ballot. The Board shall prescibe the form for the declaration of candidacy. A candidate who participates in the Virginia presidential preference primary of a particular party shall have his name placed on the presidential general election ballot only if nominated by that political party. The Board shall send a copy of this article to each candidate with the notice specified above (§ 24.1-202.5, Supp.).

The requirements for filings and fees for primary candidates in Article 5 (§ 24.1-170 et seq.) shall not be applicable to candidates for nomination to the office of President at the 1988 presidential primary (24.1-202.6, Supp.). The names of all candidates in the presidental preference primary of each political party shall appear at an appropriate place on the ballot or voting machine in alphabetical order. In addition the State Board of Elections shall provide a category on the ballot or voting machine allowing voters in each political party to vote an "uncommitted" status. The voter shall be able to cast his ballot for one of the presidential candidates of one political party or for an "uncommitted" status. In the event of the death or withdrawal of a candidate prior to the primary votes cast for such candidate shall be counted as votes for the "uncommitted" status (§ 24.1-202.7, Supp.).

C. STATUTORY INSTRUCTIONS

None.

WASHINGTON

Delegates to National Conventions:
Democratic: 72
Republican: 41

A. MANNER OF SELECTION

Delegates to national conventions are chosen by political parties through a convention process. The method of selection is governed by party rules. The statutes provide that each political party organization shall have the power to elect delegates to State and national conventions (Revised Code of Washington Annotated, §§ 29.42.010, 29.42.020).

The process for selecting national convention delegates will begin on March 8, 1988 with the meetings of precinct caucuse. Precinct caucuses select delegates to legislative district caucuses which in turn select delegates to congressional district caucuses or to a State convention depending on party rules, at which national convention delegates are selected.

Democrats:

Democratic delegates to the national convention are selected in a four-step caucus-convention process: (1) precinct caucuses (March 8, 1988), (2) county or legislative district conventions, April 23 and 30, 1988), (3) congressional district caucuses (June 4, 1988), and (4) State convention (June 12, 1988). Sixty-five delegates are at stake at the March 8, 1988 precinct caucuses. The Election Committee meeting (June 12) elects the at-large delegates and the pledged party and elected official delegates. The Democratic delegation will be composed as follows: 43 congressional district delegates, 14 at-large delegates, 8 pledged party and elected officials, and 7 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2051.)

Republicans:

Precinct caucuses are scheduled for March 8, 1988 at which delegates are elected to the county or legislative district conventions (April 1–June 2) which in turn select delegates to the State convention. The State convention will be held on July 15–16, 1988 at which 24 congressional district delegates and 17 at-large delegates will be selected for the national convention. (See C.Q. Special Report: The Nominating Process at p. 2051.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

WEST VIRGINIA

Delegates to National Conventions:
Democratic: 44
Republican: 28

A. MANNER OF SELECTION

West Virginia will hold a presidential preference primary on May 10, 1988. The presidential primary is advisory only. Most of the delegates to the national nominating conventions are elected at the presidential primary in a separate election.

At the primary election, there shall be elected by the voters of each political party of the State, in accordance with a plan adopted by the State party, persons to be delegates to the national convention of the party to be held next after the date of such primary (West Virginia Code, § 3-5-2). The plan adopted by each political party of the State shall state the method, subject to compliance with their national party rules and not inconsistent with the provisions of this section, for the election of persons in each congressional district of the State as delegates to the national convention of the party, for the election or selection of persons in each congressional district of the State as alternate delegates to the national convention of the party and for the selection of all remaining delegates and alternate delegates allocated to the party in their national convention. Not less than ninety days before the primary election to be held in the year one thousand nine hundred eighty-four, and in every fourth year thereafter, the governing body of each political party of the State shall certify the plan adopted by the party under signature of the State party chairman and file with the Secretary of State. Any questions regarding whether such plan was rightfully adopted by the party shall be resolved by the party based upon party rules (§ 3-5-2).

The plan adopted by each political party of the State shall, to the extent permissible under their national party rules, provide for the following:

(1) The voters of each political party shall elect in each congressional district in the State at the primary election next preceding the date on which the national convention of the party is to be held, the number of persons as delegates to the national convention of the party to which the district is entitled as delegates to the national convention. The persons receiving the highest number of votes in any congressional district, to the number to which the district is entitled, shall be elected delegates.

(2) After the election of delegates in each congressional district to the number to which the district is entitled, the persons receiving the next highest votes in each congressional district and having qualified, as may be provided in the plan adopted by the party, shall be elected as alternate delegates to the number of alternate delegates to which the district is entitled.

(3) In the event the number of persons elected in the primary election in a congressional district is less than the number to which the district is entitled as delegates and alternate delegates to the national convention of the political party, the governing body of the political party of the State shall appoint persons from the congressional district to serve as delegates or alternate delegates to the national convention of the party unless the rules of the party otherwise provide.

(4) The number of persons which each of the congressional districts in the State are entitled to elect as delegates to the national convention of the political party shall be apportioned among the congressional districts in the same proportion to the total number of delegates to the party's national

convention elected in all congressional districts in the State as the population of the congressional district bears to the total population of the State based upon the census of population taken by the Bureau of the Census of the United States Department of Commerce in the year one thousand nine hundred eighty and in every tenth year thereafter (§ 3-5-2).

The official primary ballot at the primary election shall, following the names of all candidates for delegates to the national convention of the party, contain the words "For election in accordance with the plan adopted by the party and filed with the Secretary of State." Unless and until a political party of the State has adopted and certified a plan for the election of delegates to the national convention of the party and filed the plan with the Secretary of State, there shall be elected by the voters of the political party of the State at the primary election to be held in the year one thousand nine hundred eighty-four, and in each fourth year thereafter, the number of persons to which the party is entitled as delegates-at-large, and by the voters of each political party in each congressional district in the State the number of delegates to which the district is entitled, in the national convention of the party to be next held after the date of such primary. The persons receiving the highest number of votes in the State as delegates-at-large, to the number to which the State is entitled, shall be elected delegates. The persons receiving the highest number of votes as delegates in any congressional district, to the number to which the district is entitled, shall be elected delegates. Each delegate so elected shall then appoint an individual to serve as alternate delegate, and shall by registered letter notify the Secretary of State of such appointment within forty days after the primary election (§ 3-5-2).

Democrats:
Twenty-four congressional district delegates will be directly elected at the May 10, 1988 primary. The candidates for delegate will be slated in accordance with their presidential preference. The presidential primary on May 10, 1988 is a nonbinding advisory only primary. Presidential candidates must win 15 percent of the congressional district delegates to obtain any of the remaining delegates (8 at-large delegates, 5 pledged party and elected officials, and 7 superdelegates). Thirty-seven delegates are at stake at the May 10, 1988 presidential primary. The remaining delegates will be chosen by the Democratic State party committee. (See C.Q. Special Report: The Nominating Process at p. 2088.)

Republicans:
At the May 10, 1988 primary, the Republican Party in West Virginia will directly elect 12 congressional district delegates and 16 at-large delegates. The candidates for delegates will be slated according to presidential preference. (See C.Q. Special Report: The Nominating Process at p. 2088.)

B. PRESIDENTIAL PREFERENCE PRIMARY

An advisory presidential preference primary is scheduled for May 10, 1988. In presidential election years, in addition to the candidates required to be nominated at the primary election, the qualified voters of each political party shall have the opportunity of voting for their choice among those aspiring to be the candidates of their respective parties for President of the United States. The names of such aspirants shall be printed on the official election ballot of their respective parties upon the filing with the Secretary of State of the announcement, and the ballot shall be marked and the vote shall be counted, canvassed and returned under the same conditions as to names, certificates and other matters, as the names and certificates of the party aspirants for the party nomination for the office of Governor (§ 3-5-3). A presidential candidate may have his name placed on the ballot by filing a fee equal to one percent of the President's annual salary ($2,000) with the Secretary of State between the second Monday in January and the first Saturday of February next preceding the primary election day (§§ 3-5-7, 3-5-8)

C. STATUTORY INSTRUCTIONS

The results of the presidential preference primary are advisory only (§ 3-5-3). However, candidates for national convention delegates may indicate their preferences for presidential candidates. Any candidate for delegate to the national convention of any political party shall provide, on a form prescribed by the Secretary of State, the information required in the certificate of candidacy and shall also provide the name of the person he prefers as the presidential nominee of his party upon the first convention ballot, or if he has no preference, a statement that he is uncommitted: Provided, That any candidate for delegate may change his statement of presidential preference by notifying the Secretary of State by registered letter, at least seventy-seven days prior to the day fixed for the primary election (§ 3-5-7).

WISCONSIN

Delegates to National Conventions:
Democratic: 88
Republican: 47

A. MANNER OF SELECTION

A primary for the expression of presidential preferences will be held on the first Tuesday in April (April 5, 1988) (Wisconsin Statutes Annotated, § 8.12). However, national convention delegates are selected through a separate caucus and committee process, which are based on the results of the presidential primary.

In canvassing the presidential preference vote, the specific candidate for President receiving a plurality in any district or in the State at large is entitled to control all the delegates representing such area. If the choice for "none of the names shown" receives a plurality, then all the delegates from the affected area shall be uninstructed. As an alternative to this procedure, the State chairperson of any political party having a presidential preference ballot may inform the board in writing no later than 5:00 p.m. the second Tuesday in March of each presidential election year that the delegates from such party are to be certified on the basis of proportional representation. In such case, each presidential candidate shall be apportioned delegates committed to support him or her as nearly as possible in accordance with the percentage of the vote in a district or in the State at large which such candidate receives. Uninstructed delegates shall also be allotted as nearly as possible to represent the percentage of votes cast for "none of the names shown" in any district or in the State at large, in proportion to the percentage of votes cast for such option, but no fractional delegate votes shall be allowed in any party (§ 8.12(3)(a)).

The method of selecting the delegates or alternates shall be determined by the State party organization, but not less than two-thirds of the convention votes shall be allotted to congressional districts and these delegates and alternates shall be selected by the party organizations of each respective district. In executing the pledge, district delegates and district delegate alternates shall be bound by the outcome of the presidential preference vote in their respective districts, and the delegates and alternates representing the State at large shall be bound by the outcome of the total presidential preference vote in the State at large in accordance with the system of selection which is used by their party. The selection of delegates and alternates shall occur no earlier than the Tuesday after the last Monday in April following a presidential preference vote. The names of the suggested delegates and alternates pledged to a particular candidate shall be transmitted to that candidate for his or her approval no later than June 5, and the candidate shall notify the chairperson of the State party organization of his or her disapproval of any delegate or alternate by June 10, and where the candidate has disapproved his or her suggested delegates and alternates, he or she shall file his or her own list of delegates and alternates, which shall become that candidate's offical slate of delegates and alternates to the national presidential convention (§ 8.12(3)(b)).

Democrats:

The Democratic delegation to the national convention is selected in a caucus process after the presidential preference primary to reflect the April 5, 1988 presidential primary vote. Eighty-one delegates are at stake at the April 5, 1988 primary. The method of allocation of delegates is the proportional representation method of allocation with a 15 percent threshold of the congressional district and statewide vote required to obtain delegates. At-large delegates and alternates and pledged party and elected official delegates are selected at the State convention on June 11, 1988. The composition of the Democratic delegation will be as follows: 53 congressional district delegates, 17 at-large delegates, 11 pledged party and elected officials, and 7 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2069.)

Republicans:

The Republican delegation will select 27 congressional district delegates and 20 at-large delegates in a caucus process after the April 5, 1988 presidential preference primary. The congressional district delegates will be awarded to the winning presidential candidate in the district. And the presidential winner statewide will take all of the 20 at-large delegates in a winner-take-all method of allocation of the national convention delegates. (See C.Q. Special Report: The Nominating Process at p. 2069.)

B. PRESIDENTIAL PREFERENCE PRIMARY

Wisconsin has a presidential preference primary which is scheduled to be held on the first Tuesday in April (April 5, 1988). National convention delegates are selected after the primary in a caucus process.

There is a separate ballot for each recognized political party listing the names of all potential candidates of that party and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of such presidential candidates shall be determined by lot by or under the supervision of the board. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only (§ 5.60(8)). This is an open type of primary.

No later than 5 p.m. on the first Tuesday in January, or the next day if Tuesday is a holiday, in each year in which electors for President and Vice President are to be elected, the State chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for Governor received at least 10 percent of the total votes cast for that office may certify to the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this State shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of that party (§ 8.12(1)(a), Supp.).

A candidate may also have his name placed on the ballot by filing a petition signed by not less than 1,000 nor more than 1,500 qualified electors from each congressional district with the board by the Friday following the last Tuesday in January (§ 8.12(1)(b)). No petition may be filed without the presidential candidate's written consent (§ 8.12(1)(b)).

Candidates nominated by the committee are notified by the board and must file a disclaimer, stating without qualification that they are not now and do not intend to become candidates for the presidential nomination, by the second Thursday following the third Tuesday in February (§ 8.12(1)(d)).

C. STATUTORY INSTRUCTIONS

Congressional district delegates are bound to vote for the preference primary winner in the district and at-large delegates are bound to the statewide winner, unless the State party notifies the board by the second Tuesday in March that delegates will be allocated proportionately (§ 8.12 (3)(a), (3)(c)(5)).

The results of the presidential preference primary are binding on delegates for all national convention ballots, unless the candidate receives less than one-third of the votes or releases the delegation (§ 8.12(3)(c)(5)).

WYOMING

Delegates to National Conventions:
Democratic: 18
Republican: 18

A. MANNER OF SELECTION

Delegates and alternates are elected by the State convention of each political party (Wyoming Statutes Annotated, § 22-4-118). Delegates and alternates to the State convention are selected at county conventions to be held during the first fifteen days of March (§§ 22-4-106 to 22-4-108). Delegates to county conventions are members of the county central committee, but the party may provide an alternate method of selecting such delegates (§ 22-4-107).

Democrats:

County conventions are scheduled for March 5, 1988. Thirteen delegates are at stake at the March 5 county conventions. The State convention (May 7) elects the district, at-large and pledged party and elected official delegates. The Democratic delegation will be composed as follows: 8 congressional district delegates, 3 at-large delegates, 2 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2013.)

Republicans:

The Republican national convention delegation will be selected in a three-tiered caucus-convention process: (1) precinct caucuses (Feb. 9-24, 1988), (2) county conventions (March 5, 1988), and (3) State convention (May 7, 1988). The 18 congressional district delegates will be selected at the county conventions, and the 6 at-large delegates will be selected at the State convention. (See C.Q. Special Report: The Nominating Process at p. 2013.)

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

B. Delegate Selection for Citizens Abroad and the Territories

AMERICAN SAMOA [Democrats only] Manner of Selection

Delegates to Democratic National Convention: 4
A caucus process on March 8, 1988 selects the national convention delegates.

DEMOCRATS ABROAD

Delegates to Democratic National Convention: 9

Democrats:
On March 22, 1988, a mail-in primary will be held to elect delegates who are slated according to their presidential preference. Seven delegates will be at stake at the primary. (See C.Q. Special Report: The Nominating Process at p. 2102.)

GUAM

Delegates to National Conventions:
Democratic: 4
Republican: 4

Democrats:
The national convention delegates will be elected by a one-tier caucus convention at a mass meeting on April 24, 1988.

Republicans:
District meetings will be scheduled to select delegates for a territorial convention which will in turn select national convention delegates.

PUERTO RICO

Delegates to National Conventions:
Democratic: 56
Republican: 14

Democrats:
A primary for the expression of presidential preferences and the election of national convention delegates and alternatives will be held on the third Sunday in March (March 20, 1988). The Presidential primary will be a non-binding, advisory only primary. At the primary there will be a direct election of 33 district delegates. Fifty-one delegates are at stake at the March 20 presidential primary. The winning district delegates will choose the remaining delegates: 11 at-large delegates, 7 pledged party and elected officials, and 5 superdelegates. (See C.Q. Special Report: The Nominating Process at p. 2062.)

Republicans:
The Republican Party in Puerto Rico will send 14 at-large delegates to the national convention. Fourteen delegates are at stake at the presidential primary on March 20, 1988.

VIRGIN ISLANDS

Delegates to National Conventions:
Democratic: 4
Republican: 4

Democrats:
The Democratic Party in the Virgin Islands will select its delegates by a caucus-convention process held on April 2, 1988.

Republicans:
The Republican Party in the Virgin Islands will begin its delegate selection process at mass meetings. (April 1-30, 1988). Two delegates will be elected from St. Croix, and one delegate from St. Thomas and one delegate from St. John.

PART IV. STATE LAWS RELATING TO THE NOMINATION AND ELECTION OF PRESIDENTIAL ELECTORS

A. Background

The method of electing the President was the subject of considerable debate among the framers of the Constitution, who were divided over whether the President should be elected directly by the people or by the Congress. The adoption of the Electoral College plan was the product of compromise, whereby the President under Article II of the Constitution is elected neither directly by the people nor by the Congress, but is instead chosen by presidential electors appointed for the purpose. Article II, section 1, clause 2 provides that "each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

The United States Supreme Court noted in *McPherson* v. *Blacker,* 146 U.S. 1 (1892), that the Constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority who vote can alone choose the electors. The Constitution recognizes that the people act through their representatives in the legislature and thus leaves it to the legislature to determine the method of appointing electors. The appointment and the mode of appointment of electors to the Electoral College belong exclusively to the States under the Constitution (*Id.,* 27).

Even though the States have discretion in choosing electors, the Supreme Court has recognized a Federal interest in protecting the integrity of the Electoral College process. The Court has upheld the power of Congress to protect voters in exercising their right freely so that the votes by which the President is elected shall be the free votes of the electors (*Ex Parte Yarbrough,* 110 U.S. 651, 662 (1884)). Moreover, Congress' power to protect the choice of electors from fraud or corruption was sustained in *Burroughs and Cannon* v. *United States,* 290 U.S. 534, 546 (1934). And in *Williams* v. *Rhodes,* 393 U.S. 23 (1968), the Supreme Court struck down Ohio's election laws which effectively limited access to the ballot to electors of the two major political parties. The Court found that State laws which are enacted pursuant to Article II, § 1 of the Constitution to regulate the selection of electors must meet the requirements of the equal protection clause of the Fourteenth Amendment and that Ohio's laws relating to the election of presidential electors taken as a whole were invidiously discriminatory and violated the equal protection clause since they gave the two major political parties a decided advantage over new political parties (*Id.,* 28–34).

Congress sets the date for the election of presidential electors pursuant to the authority granted by Article II, § 1, cl. 3 of the Constitution, whereby "the Congress may determine the time of choosing the electors." By statute Congress has set this date as the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President (*See*, 3 U.S.C. § 1, *supra*).

The candidates nominated at the respective conventions for the offices of President and Vice President are usually under State law entitled to have their names placed on the general election ballot. This is a mere formality since the President and the Vice President are actually elected by electors under the Constitution. These electors are State officers who are nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

The practice of the States differs as to the printing of names of presidential electors on the general election ballot. Some States print only the names of the electors on the ballot; other States print the names of both the electors and the presidential and vice presidential candidates on the ballot; and other States print only the names of the presidential and vice presidential candidates on the ballot. In most States where the names of the presidential and vice presidential candidates are printed on the ballot, the names are taken from the certificates of nomination required to be filed in nominating electors. A voter in casting his ballot for his choice for President and Vice President is actually voting for electors and not for the presidential and vice presidential candidates.

Thus, the electors are "appointed" by the States under Article II, § 1, cl. 2 of the Constitution, and by the Congress for the District of Columbia in accordance with the Twenty-third Amendment. Whichever slate of electors wins the highest plurality of votes in most States and the District of Columbia is elected and will later meet on the first Monday after the second Wednesday in December as an Electoral College and vote for President and Vice President (*See*, U.S.C. § 7, *supra*). The State of Maine, however, provides that the presidential electors of each congressional district shall cast their ballots for the candidates for President and Vice President who received the largest number of votes in each congressional district, and two at-large electors shall cast their ballots for the Presidential and Vice Presidential candidates who received the largest number of votes in the State. Maine's four electoral votes consequently may be cast for different candidates (*See*, Maine Revised Statutes, title 21, § 1184(1)(A)).

B. Summary of State Laws Relating to Presidential Electors

ALABAMA

Presidential Electors: 9

A. NOMINATION

(1) *Major parties*

The nomination of electors is by party organization. There is no explicit statutory provision for a primary election to select electors (Code of Alabama, § 17-19-2). When presidential electors are to be chosen, the Secretary of State certifies to the judges of probate of the several counties the names of all candidates for President and Vice President who are nominated by any national convention (*ibid.*). The certificate of nomination must be signed by the presiding officer and secretary of the convention and by the chairman of the State executive or central committees making the nomination (*ibid.*). Each certificate of nomination and nominating petition must be accompanied by a list of names and addresses of persons, who are qualified voters, equal to the number of presidential electors to be chosen (*ibid.*). Such certificates must be filed in the office of the Secretary of State no later than the last day of August preceding the general election (*ibid.*).

(2) *Minor and new parties*

Candidates for President and Vice President may be nominated by a national convention or other like assembly of any political party (§ 17-19-2). The nominating petitions must be filed in the office of the Secretary of State no later than the last day of August before the general election (*ibid.*). The Secretary of State certifies to the judges of probate of the several counties the names of all candidates for President and Vice President who are nominated by an national convention (*ibid.*). Each certificate of nomination is to be accompanied by a list of names and addresses of persons equal in number to the number of presidential electors to be chosen.

(3) *Independent candidates*

The Secretary of State must certify to the judges of probate of the several counties the names of candidates for President and Vice President who are nominated by written petition signed by at least 5,000 qualified voters of the State (§ 17-19-2). The nominating petition is to be filed in the office of the Secretary of State no later than the last day of August preceding the general election (*ibid.*).

Pledge

Each person listed on each certificate of nomination and nominating petition shall agree that, if elected, he or she shall cast a ballot as elector for the nominees listed on such certificate (§ 17-19-2).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of all candidates for President and Vice President shall be printed on the official ballots under the emblem of their respective political parties (§ 17-19-3). The names of the electors of the candidates for President and Vice President shall not be printed upon the ballots (*ibid.*).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President are to assemble at the office of the Secretary of State, at the seat of government at 12:00 o'clock noon on the second Tuesday in December next after their election, or at that hour on such other day as may be fixed by Congress, to elect such President and Vice President, and those of them present at that hour must at once proceed by ballot and plurality of voters to supply the places of those who fail to attend on that day and hour (§ 17-19-7).

ALASKA

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

The nomination of electors is by State party convention or in any other manner prescribed by the bylaws of the party. The chairman and secretary of the State convention or any other party official designated by the party bylaws shall certify a list of names of candidates for electors to the Lieutenant Governor, on or before September 1 in presidential election years (Alaska Statutes, § 15.30.020).

(2) *Party pledge*

The party shall require from each candidate for election a pledge that as an elector he will vote for the candidates nominated by the party of which he is a candidate (§ 15.30.040).

(3) *Minor parties*

A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice President of the United States by filing a petition with the Lieutenant Governor at least 90 days before a presidential general election signed by qualified voters of the State equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice President of the United States at the next succeeding presidential election, and the name of the limited political party (§ 15.30.025(a)).

A limited political party so organized may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director of elections determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing (§ 15.30.025(b)).

A limited political party organized under this section shall cease to be a political party whenever its presidential candidate fails to receive at least 3 percent of the number of voters who cast ballots for the office of President at a presidential election (§ 15.30.025(c)).

Presidential electors may be nominated by political parties in Alaska (§ 15.30.20).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of candidates are printed on the ballots and a vote marked for the candidates for President and Vice President is considered and counted as a vote for the presidential electors of the party (§§ 15.15.030(7), 15.30.050).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the office of the Lieutenant Governor or other place designated by him at 11:00 o'clock in the morning on the first Monday after the second Wednesday in December following their election. They shall proceed to cast their votes for the candidates for the office of President and Vice President of the party which selected them as candidates for electors and shall perform the duties of electors as required by the Constitution and laws of the United States (§§ 15.30.070, 15.30.090).

ARIZONA

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

Electors are nominated at the general State primary held on the eighth Tuesday prior to the general election, i.e., September 13, 1988 (Arizona Revised Statutes, § 16-201). The nomination paper of a candidate for presidential elector shall be filed with the Secretary of State no later than 5:00 p.m. on the last date for filing (75 days before the primary election) (§ 16-311E). The chairman of the State committee of a political party which is qualified for continued represention on the ballot as provided in § 16-804 shall appoint candidates for the office of presidential elector equal to the number of United States Senators and Representatives in Congress from this State and shall file a nomination paper and affidavit for each candidate in compliance with the requirements for candidates as provided in § 16-311. (§ 16-344).

(2) *Minor and new parties*

A new political party may become eligible for recognition and shall be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election upon filing with the Secretary of State a petition signed by a number of qualified electors equal to not less than two percent of the votes cast for Governor at the last preceding general election (§ 16-801).

(3) *Independent candidates*

A nominating petition, signed by at least one percent of the qualified electors of the State who have not signed the nomination petitions of a candidate for the office to be voted for at the last primary election and who have not voted at the primary election. The nominating petition is to be filed with the Secretary of State no later than 5:00 p.m. on the tenth day after the primary election (§ 16-341).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be voted for, the candidates therefor of each party shall be grouped and printed together, arranged in each group in alphabetical order, and the entire group of electors of each party shall be enclosed in a scroll or bracket to the right and opposite the center on which shall be printed in bold type the surname of the presidential candidate represented. To the right of and on a line with the surname shall be placed a square in which the voter may indicate his choice by the mark X, and one such mark opposite a group presidential electors shall be counted as vote for each elector in such group (§ 16-507).

C. STATUTORY INSTRUCTIONS

None.

ARKANSAS

Presidential Electors: 6

A. NOMINATION

(1) *Major parties*

In each year in which a President and Vice President of the United States are chosen, each political party or group in the State shall choose by its State convention electors of President and Vice President of the United States and such State convention of such party or group shall also choose electors at large, if any are to be appointed for the State and such State convention of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the Secretary of State.

The filing of such certificate with said Secretary of State, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice President of the United States (Arkansas Code Annotated, § 7-8-302).

(2) *Minor and new parties*

Any group of voters desiring to file a petition with the Secretary of State signed by qualified electors equal in number to at least three percent (3%) of the total vote cast for the office of Governor or nominees for presidential electors, at the last preceding election, so as to establish a political party shall file said petition not later than twelve o'clock (12:00) noon on the first Tuesday in May before the preferential primary election. All petitions must be circulated during the period beginning January 1 and ending the first Tuesday in May of any year (§ 7-1-101(1)(A)).

(3) *Independent candidates*

Any person desiring to have his name placed upon the ballot as an independent candidate without political party affiliation for any State, county, township or district office, shall in any general election in this State file as an independent candidate not later than twelve o'clock (12:00) noon on the first Tuesday in April immediately preceding the preferential primary election, and shall furnish at the time he files as an independent candidate [petitions] signed by not less than three percent (3%) of the qualified electors of the State, or 10,000 signatures of qualified electors whichever is the lesser, each of whom shall be a registered voter and such petitions shall be directed to the official with whom such person is required by law to file nomination certificates to qualify as a candidate, requesting that the name of such person be placed on the ballot for election to the office mentioned in the petition. Such petitions shall be circulated not earlier than sixty (60) calendar days prior to the deadline for filing such petitions to qualify as an independent candidate (§§ 7-7-103(b), 7-6-102(a)).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates of political parties or groups for electors of the President and Vice President shall not be printed on the general election ballot. In lieu thereof, the names of the candidates for President and Vice President with the particular party designation of each shall be so printed. A vote for the presidental and vice presidential candidates shall be deemed to be a vote for the electors thereof (§ 7-8-302(4)(A)).

If more than one certificate of choice and selection of electors of the same political party or group is filed, the constitutional officers of the State shall determine which set was chosen by the authorized convention of a party or group (§ 7-8-302(2)(A)).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the office of the Secretary of State in the State capitol at the time appointed by the laws of the United States at 10:00 a.m., and give their votes for President and Vice President of the United States, and perform such duties as are or may be required by law (§ 7-8-306).

CALIFORNIA

Presidential Electors: 47

A. NOMINATION

(1) *Major parties*

(a) *Democratic Party*

In each year of the general election at which electors of President and Vice President of the United States are to be chosen, each congressional nominee shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year. Each United States senatorial nominee, determined by the last two United States senatorial elections, shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year. In the event there is no United States senatorial nominee or no congressional nominee in any particular district, the State chairman shall designate one presidential elector for each vacancy and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year (Cal. Election Code, § 8510).

(b) *Republican Party*

In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Republican nominees for Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, and Secretary of State, the Republican nominees for United States Senator at the last two United States senatorial elections, the Assembly Republican leader, the Senate Republican leader, all elected officers of the Republican State Central Committee, the National Committeeman and National Committeewoman, the President of the Republican County Central Committee Chairmen's Association, and the chairman or president of each Republican volunteer organization officially recognized by the Republican State Central Committee shall act as presidential electors, except that Senators, Representatives, and persons holding an office of trust or profit of the United States shall not act as electors. The remaining presidential elector positions, and any vacant positions, shall be filled by appointment of the Chairman of the Republican State Central Committee in accordance with the bylaws of the committee. The name, residence and business address of each such appointee shall be filed with the Secretary of State by October 1st of the presidential election year. The Republican State Central Committee shall adopt bylaws implementing the provisions of this section (Cal. Election Code, § 9010, Supp.).

(2) *Minor and new parties*

A party is qualified to participate in any primary election:

(a) if at the last preceding gubernatorial election there was polled for any one of its candidates for any office voted on throughout the State, at least 2 percent of the entire vote of the State; or

(b) if on or before the 135th day before any primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election have declared their intention to affiliate with that party; or

(c) if on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters (§ 6430).

Whenever a group of electors desires to qualify a new political party meeting the requirements of section 6430, said group shall form a political body by:

(a) holding a caucus or convention at which temporary officers shall be elected and a party name designated, which name shall not conflict with that of any existing party or political body which has previously filed notice pursuant to subdivision (b): and

(b) filing formal notice with the Secretary of State that the political body has organized, elected temporary officers, and declared an intent to qualify a political party pursuant to section 6430. The notice shall include the names and addresses of the temporary officers of the political body (§ 9951).

Minor and new parties select their candidates for presidential electors at respective State conventions and certify the names of the electors nominated to the Secretary of State.

(3) *Independent candidates*

Whenever a group of candidates for presidential electors, equal in number to the number of presidential electors to which this State is entitled, files a nomination paper with the Secretary of State pursuant to this chapter, the nomination paper may contain the name of the candidate for President of the United States and the name of the candidate for Vice President of the United States for whom all of those candidates for presidential electors pledge themselves to vote (§ 6803).

When a group of candidates for presidential electors designates the presidential and vice presidential candidates for whom all of the group pledge themselves to vote, the names of the presidential candidate and vice-presidential candidate designated by that group shall be printed on the ballot (§ 6804).

Nomination papers for a statewide office for which the candidate is to be nominated shall be signed by voters of the State equal to not less in number than one percent of the entire number of registered voters of the State at the time of the close of registration prior to the preceding general election (§ 6831).

Nomination papers shall be filed with the county clerk not more than 129 nor less than 64 days before the day of the election, and shall be prepared, circulated, signed, verified and left with the county clerk for examination no earlier than 148 days before the election and no later than 5:00 p.m. 88 days before the election (§ 6833).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President of the several political parties are printed on the ballot. Names of the candidates for electors shall not be printed on the ballot (§§ 10201, 10210, 10213, Supp.).

C. STATUTORY INSTRUCTIONS

The electors chosen shall assemble at the State Capitol at 2:00 o'clock in the afternoon on the first Monday after the second Wednesday in December next following their election (§ 25103).

In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, from the citizens of the State, as many persons as will supply the deficiency (§ 25104).

The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this State (§ 25105).

COLORADO

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

The nomination of presidential electors may be by State party convention, or a committee authorized by such convention, or by petition for nomination of an independent candidate (Colorado Revised Statutes, §§ 1-4-302, 1-4-701). Any convention of delegates of a political party or any committee authorized by resolution of such convention may nominate presidential electors. All nominations for vacancies for presidential electors made by the convention or a committee authorized by such convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee (§ 1-4-302).

(2) *Minor and new parties*

A minor political party is a party other than a major political party. A "major political party" means one of the two political parties where candidate for Governor at the last preceding gubernatorial election received the first and second greatest number of votes (§ 1-1-104 (15), (16))."Political organization" means any group of qualified electors who, by petition for nomination of an independent candidate as provided in section 1-4-801, places upon the official general election ballot nominees for public office. "Political party" means any political organization which at the last preceding gubernatorial election was represented on the official ballot either by regular party candidates or by individual nominees only if it cast for its gubernatorial candidate at least ten percent of the total gubernatorial vote cast in the State at such election (§ 1-4-104 (17), (18)).

Minor political parties may nominate candidates for presidential electors in the same manner as major political parties. Groups of voters which do not qualify as a major or minor political party may nominate candidates for presidential electors in the same manner as independent candidates (§ 1-1-104(17)).

(3) *Independent candidates*

Any persons nominated as candidates for the offices of President and Vice President of the United States by a petition for nomination of an independent candidate pursuant to the provisions of section 1-4-801 shall include on the petition the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition (§ 1-4-303).

Candidates for public offices to be filled at a general election who do not wish to affiliate with a political party may be nominated, other than by a primary election or a convention, in the following manner:

(a) A petition for nominating independent candidates shall be prepared which shall contain the names and addresses of any candidates for the offices to be filled. The petition shall designate in not more than three words the political or other name which the signers select. No name of any political party shall be used, in whole or in part, for this purpose. In the case of nominations for electors of President and Vice President of the United States, the names of the candidates for President and Vice President may be added to the political or other name designated on the petition.

(b) The petition shall be signed by registered electors residing within the district or political subdivision in which the officers are to be elected to the number of at least five thousand for the office of President and the office of Vice President.

(c) Every petition shall be signed only by registered electors. Each registered elector shall sign his own signature and shall also print his name and his residence address, including the street and number, if any, the city or town, and the date of signing. To each such petition shall be attached an affidavit of a registered elector, stating his address and stating that he is a registered elector residing in the political subdivision in which he circulated said petition, that he circulated said petition, that each signature thereon was affixed in his presence, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant each of the persons signing said petition was at the time of the signing a registered elector.

(d) The signatures to the petition need not all be appended to one paper, but no petition shall be legal that does not contain the requisite number of names of registered electors whose names do not appear on any other petition previously filed for the same office under the provisions of this section. Any petition may be amended in this last respect at any time prior to 3 p.m. on the Tuesday preceding the primary election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(e) No petition, except petitions for candidates for vacancies to unexpired terms of Representatives in Congress and for presidential electors, shall be circulated or any signatures obtained thereon prior to forty-nine days before the primary election.

(f) The petition may designate or appoint upon the face thereof one or more persons as a committee to fill vacancies in accordance with section 1-4-903 (4) and (5).

(g) Every petition, before the same is filed with the proper officer, shall have endorsed thereon or appended thereto in writing on the first or last sheet the acceptance of the candidate or joint candidate of the nomination by acknowledgment before any officer authorized to take acknowledgments. The acceptance of nomination shall contain the full name of each candidate or joint candidate as it will appear on the ballot and the full address of each.

(h) The petition, when executed and acknowledged as prescribed in paragraph (g) of this subsection (1), shall be filed with the Secretary of State if for an office to be filled by the electors of the entire State or of a congressional district or for the offices of members of the general assembly or district attorney or a district office greater than a county office and with the county clerk and recorder if for a county office. Petitions shall be filed not later than 3 p.m. on the Tuesday preceding the primary election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(i) No person shall be placed in nomination by petition unless the person is a registered elector of the political subdivision or district in which the officer is to be elected and unless he was registered as unaffiliated, as shown on the books of the county clerk and recorder, for at least twelve months prior to the date of filing of the petition; except that, if such nomination is for a nonpartisan election, such person shall be a registered elector of such political subdivision or district and be a registered elector, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition (§ 1-4-801).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the presidential electors shall not be printed upon the ballot, but the names of the candidates of their respective parties or political groups for President and Vice President shall be printed together in pairs under the title "Presidential Electors." A vote for any such pair of candidates shall be a vote for the electors of the party or political group by which such candidates were named (§ 1-6-402).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President of the United States shall convene at the capital of the State, in the office of the Governor at the capitol building, on the first Monday after the second Wednesday in December next after their election at the hour of twelve noon and take the oath required by law for such presidential electors. If there is any vacancy in the office of presidential electors occasioned by death, refusal to act, absence, or other cause, the presidential electors present shall immediately proceed to fill such vacancy in the Electoral College. When the vacancies have been filled, they shall proceed to perform the duties required of such presidential electors by the Constitution and laws of the United States, and vote for President and Vice President by open ballot.

The Secretary of State shall give notice in writing to each of the presidential electors, at least ten days prior thereto, of the time and place of said meeting. The Secretary of State shall provide such presidential electors with the necessary blanks, forms, certificates, or other papers or documents required to enable them to properly perform their duties. If desired, such presidential electors may have the advice of the Attorney General of the State respecting their official duties. Each presidential elector shall vote for the pair of presidential and vice presidential candidates who received the highest number of votes at the preceding general election in this State.

Every presidential elector of this State who attends and gives his vote for those officers at the time and place appointed by law shall be entitled to receive the sum of five dollars per day for each day's attendance at such election and fifteen cents per mile for each mile he travels in going to and returning from the place where the electors meet, by the most usual route traveled, to be paid out of the general fund. The controller shall audit the amount and draw his warrant for the same (§ 1-4-305).

CONNECTICUT

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

The electors in the several towns in the State, at the State election in 1964, and quadrennially thereafter, shall elect electors of President and Vice President of the United States, not exceeding in number the whole number of Senators and Representatives to which the State is then entitled in the Congress of the United States. Voting shall be conducted and the result declared, and the returns thereof made, as is provided in respect to State elections. The Secretary of State shall, on or before the first Monday of October of the year in which such presidential electors are to be elected, transmit blank forms to the several town clerks for the return of the votes; and the lists and returns of the votes shall be made out, certified and directed according to such forms (Connecticut General Statutes, § 9-175, Supp.).

Generally the nomination of electors of President and Vice President is by political conventions of the respective major parties (§ 9-175, Supp.).

(2) *Minor and new parties*

A minor party is a political party or organization which is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one per cent of the whole number of votes cast for all candidates for such office at such election (§ 9-372(6), Supp.).

At least one copy of the party rules regulating the manner of nominating its candidates must be filed with the Secretary of State at least 60 days before the nomination (§ 9-374, Supp.).

(3) *Independent candidates*

An individual may also obtain a place on the election ballot label by nominating petition. No name of any candidate shall be printed on any official ballot at any election except the name of a candidate nominated by a major or minor party unless a nominating petition for such candidate is approved by the Secretary of State as provided in sections 9-453a to 9-453p, inclusive (§ 9-379, Supp.).

Application must be accompanied by a signed statement of candidate's consent and the party designation, if any. Signatures of qualified voters are required, equal in number to one percent of all votes cast for the same office at the last preceding election for such office. The petition should be filed with the town clerk of each town in which it was circulated at least 10 weeks before election with a statement of each circulator of the nominating petition (§§ 9-453b to 9-453d, 9-453i, Supp.).

(4) *Write-in presidential and vice presidential candidates*

In the case of a write-in candidate for President of the United States, such candidate may register his candidacy with the Secretary of the State by submitting his name and the names of a vice presidential candidate and candidates for the office of elector in a number not exceeding the whole number of electors to which the State is then entitled. Such registration shall be on a form prescribed by the Secretary of the State, which form shall include a statement of consent to being a candidate by each proposed candidate for elector and by the candidate for Vice President. Such registration shall not include a designation of political party. A candidate for President may register at any time after January first of the election year and not later than four o'clock p.m. on the fourteenth day preceding the election at which the offices of presidential elector and vice presidential elector are being contested. If a candidate has so registered, a vote may be cast by write-in ballot for such candidate by writing in the last name of the candidate for President and the last name of the candidate for Vice President or only the last name of the candidate for President; such write-in ballot shall be counted, and shall be in all respects effective, as a vote for of the presidential electors representing such candidates for President and Vice President. No person nominated for the office of President, or presidential elector by a major or minor party or by nominating petition shall register as a write-in candidate for such office under the provisions of this section and any such registration of a write-in candidacy filed by such a person shall be void (§ 9-175(b), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

When an election is to be held for the choice of presidential electors, if any political party has nominated candidates for President and Vice President of the United States, and presidential electors to vote for such presidential and vice presidential candidates have been nominated by a political convention of such party in this State, or in such other manner as entitles the names of such electors to be placed upon the official ballots to be used in such election, the Secretary of State and any other official charged with the preparation of official ballots to be used in such election, in lieu of placing the names of such presidential electors on such official ballots, shall place on such official ballots a space with the words "Presidential electors for (here insert the last name of the candidate for President, the word 'and' and the last name of the candidate for Vice President)"; and a vote cast therefor shall be counted, and shall be in all respects effective, as a vote for each of the presidential electors representing such candidates for President and Vice President (§ 9-175, Supp.).

C. STATUTORY INSTRUCTIONS

The presidential electors shall meet at the office of the Secretary of the State at 12:00 o'clock noon, on the first Monday after the second Wednesday of the December following their election and, as required by the Constitution and laws of the United States, shall cast their ballots for President and Vice President. Each such elector shall cast his ballots for the candidates under whose names he ran on the official election ballot, as provided in section 9-175. If any such elector is absent or if there is a vacancy in the Electoral College for any cause, the electors present shall, before voting for President and Vice President, elect by ballot an elector to fill such vacancy, and the person so chosen shall be a presidential elector, shall perform the duties of such office and shall cast his ballots for the candidates to whom the elector he is replacing was pledged (§ 9-176).

DELAWARE

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

The nominations of the candidates for electors of President and Vice President of the United States, together with the names of the candidates for President and Vice President, and for United States Senator, Representative in Congress, Governor and all other State offices shall be certified to the State Election Commissioner by the presiding officer and secretary of the State convention or committee of each political party eligible to place candidates upon the ballot. The Commissioner shall forthwith send copies of each certificate of nomination to each county department of elections (Delaware Code Annotated, tit. 15, § 3301(a)).

No candidate for the office of elector of President and Vice President shall be deemed nominated and no certificate of nomination for such candidate shall be made or filed, nor shall the name of any such candidate be placed on the ballot in any general election in this State, unless the candidate:

(a) shall have been so nominated by receiving more than 50% of the eligible delegate vote on the final polled vote of a

State nominating convention of the political party advancing his candidacy, at a convention held not later than the fourth Saturday in July in the year of such general election and who was not required to run in a primary election; or

(b) shall have received a majority of the votes cast by registered voters of the political party advancing his candidacy at a statewide primary election (tit. 15, § 3301(d)).

(2) *Minor and new parties*

"Party" or "Political Party" in Delaware is defined as any political party, organization or association which elects delegates to a national convention, nominates candidates for electors of President and Vice President, United States Senator, Representative in Congress, Governor and other offices, and elects a State committee and officers of a State committee by a State convention composed of elected members from each representative district, provided a registered party member is available in each representative district (tit. 15, § 101(13)).

Such parties shall nominate presidential electors by conventions or committees (tit. 15, § 3301). Certificates of nomination shall contain a party title and ballot symbol (tit. 15, § 3302). The other provisions noted in (1) above applying to major parties shall also be applicable to minor and new parties.

B. NAMES ON GENERAL ELECTION BALLOTS

Nominees of any party for President and Vice President are placed on the ballot. A vote for the candidates for President and Vice President shall be a vote for the electors of such party, the names of whom are on file with the Secretary of State (tit. 15, § 5704; § 4502).

C. STATUTORY INSTRUCTIONS

The Governor in October next preceding every election of presidential electors shall by proclamation make known the number of presidential electors to be chosen and the day of the election (tit. 15, § 4302). The electors chosen or appointed for the election of a President and Vice President shall meet and give their votes at Dover on the day determined by Congress for that purpose (tit. 15, § 4303).

DISTRICT OF COLUMBIA

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

Each political party who has had its candidate elected as President of the United States after January 1, 1950, shall be entitled to nominate candidates for presidential electors. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential electors for that party. Nominations shall be made by message to the Board of Elections and Ethics on or before September 1 next preceding a presidential election. (District of Columbia Code, § 1-1312(d))

No person may be elected as a presidential elector in the District unless (a) he is a registered voter in the District, and (b) he has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election (§ 1-1312(g)).

(2) *Minor and new parties*

A minor party is a party which has not had its candidate elected as President of the United States after January 1, 1950 (§ 1-1312(d)). A minor or a new party may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least one percent of registered qualified electors of the District of Columbia, as of July 1 of the year in which the election is to be held is presented to the Board on or before the third Tuesday in August preceding the date of the presidential election (§ 1-1312(f)).

(3) *Independent candidates*

No provision.

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates of each political party for President and Vice President shall be place on the ballot under the party title and device. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot (§ 1-1312(e)). Each vote cast for the candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate (§ 1-1314(a)(2)).

C. STATUTORY INSTRUCTIONS

Each person elected as elector of President and Vice President shall, in the presence of the Board of Elections, take an oath or solemnly affirm that he will vote for the candidates of the party he has been nominated to represent, and it shall be his duty to vote in such manner in the Electoral College (§ 1-1312(g)).

FLORIDA

Presidential Electors: 21

A. NOMINATION

(1) *Major parties*

The Governor shall nominate the presidential electors of each political party. He shall nominate only the electors recommended by the State executive committee of the respective political party. Each such elector shall be a qualified elector of the party he represents who has taken an oath that he will vote for the candidates of the party that he is nominated to represent. The Governor shall certify to the Department of State on or before September 1, in each presidential election year, the names of a number of electors for each political party equal to the number of Senators and Representatives which this State has in Congress (Florida Statutes Annotated, § 103.021(1)).

(2) *Minor and new parties*

A minority political party is any such group, as defined above, which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the State (§ 97.021(14)). A minor political party may have the names of its candidates for President and Vice President printed, and independent candidates for President and Vice President may have their names printed, on the general election ballots if a petition is signed by one percent of the registered electors of this State, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in section 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates (§ 103.021(3)).

Any minor political party which has met the petitioning requirements of section 99.096 (signatures of three percent of registered electors) and will have the names of a candidate or candidates for any office or offices to be filled by a statewide election printed on the general election ballot, and which minor party is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States, may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held. When the Department of State has been so notified, it shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates (§ 103.021(4)).

(3) *Write-in candidates*

Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the first primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot (§ 103.022).

B. NAMES ON GENERAL ELECTION BALLOTS

On the ballot shall be printed the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President nominated by the political party which received the highest vote for Governor in the last general election of the Governor in the State, above which shall appear the name of the said party, then shall appear the names of other candidates for President and Vice President who have been properly nominated (§ 101.151(3)).

C. STATUTORY INSTRUCTIONS

Each presidential elector shall, before 10 a.m. on the day fixed by Congress to elect a President and Vice President, give notice to the Governor that he is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall forthwith deliver to the presidential electors present a certificate of the names of all the electors; and if, on examination thereof, it should be found that one or more electors are absent, the electors present shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of one or more of the electors (§ 103.061).

GEORGIA

Presidential Electors: 12

A. NOMINATION

(1) *Major parties*

Any political party desiring to nominate its presidential electors by convention, any political body desiring to nominate its candidates qualifying with petitions by convention shall through its State executive committee, adopt rules and regulations governing the holding of such conventions for such nomination of candidates. Such rules and regulations shall be filed with the Secretary of State, and no amendment to such rules and regulations shall be effective unless filed with the Secretary of State at least 30 days prior to the date of such convention. The State party or body chairman of such political party or body and its secretary shall accompany the filing of such rules and regulations with their certificate certifying that the rules and regulations therein filed are a true and correct copy of the rules and regulations of the party pertaining to the nomination of candidates by the convention method (Code of Georgia Annotated, § 21-2-172, Supp.).

Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for statewide public office in convention shall file a notice of candidacy no earlier than 9:00 a.m. fourth Wednesday in May and no later than 12:00 noon on the second Friday following the fourth Wednesday in May (June 3, 1988) as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than the first Tuesday in August following the convention as prescribed in Code Section 21-2-185 in order to qualify its candidates to be listed on the general election ballot (§ 21-2-187, Supp.).

Each candidate for the office of presidential elector must file a notice of candidacy, giving his name, residence address and the office he is seeking in the office of the Secretary of State no later than 12:00 noon on the second Friday following the fourth Wednesday in May (June 3, 1988) preceding the general election (§ 21-2-132, Supp.)

Each candidate must accompany this notice with an affidavit stating, among other things, that he is a qualified voter in the county of his residence and that he will not knowingly violate any provisions of the Election Code or of rules and regulations adopted thereunder. (§ 21-2-132, Supp.).

(2) *Minor and new parties*

Political parties polling less than 20 percent of the vote cast at the preceding general election are known as "political organizations."

"Political party" is defined as a political organization whose candidate at the preceding gubernatorial election polled at least 20 percent of the total vote cast in the State for Governor or who nominated a candidate for President at the preceding presidential election and whose candidates for presidential electors polled at least 20 percent of the total vote cast in the nation for that office (§ 21-2-2 (20), (21)).

Any candidate required to have his notice of candidacy be sent with the nomination petition must file his notice of candidacy and an affidavit no later than 12:00 noon on the second Friday following the fourth Wednesday in May (June 3, 1988) prior to the general election (§ 21-2-132, Supp.).

All candidates are required to accompany their notice of candidacy with a nomination petition unless the candidate is either a nominee of a political party for the office of presidential elector when such party has held a national convention and nominated candidates for President and Vice President of the United States, or the nomineee of a political party nominated in a primary held by such party (§ 21-2-132, Supp.). The nominating petitions must be signed by not less than 1 percent of the voters eligible to vote in the next election for the filing of the office the candidate is seeking. (§ 21-2-170(b), Supp.). The persons signing must declare that they are so qualified (§ 21-2-170, Supp.).

Such nominating petition offered by a political body seeking to have the names of their candidates for presidential electors placed on the ballot shall be compiled so that the entire slate of candidates shall be listed together on the same petition (§ 21-2-170(c), Supp.).

(3) *Independent candidates*

A person can become a candidate for Federal or State office by filing a notice of candidacy with the Secretary of State no later than 12:00 noon on the second Friday following the fourth Wednesday in May (June 3, 1988) preceding the general election (§ 21-2-132(c), Supp.). A nomination petition for a slate of electors must be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last presidential election (§ 21-2-170(b), Supp.). The nomination petition is filed at the same time as the notice of candidacy.

A candidate must file with the notice of candidacy an affidavit stating among other things that he is an elector of the county of his residence eligible to vote in the election in which he is a candidate and that he is eligible to hold such office (§ 21-2-132(e), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be elected, the names of the nominees of each political party or body for such offices shall not appear on the ballot, but, in lieu thereof, the names of the candidates of such party or body for President and Vice President, together with the name of such party or body shall appear (§ 21-2-285).

C. STATUTORY INSTRUCTIONS

The presidential electors shall assemble at the seat of government of the State at 12:00 o'clock noon of the day which is, or may be, directed by the Congress of the United States, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States (§ 21-2-11).

HAWAII

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

In each year when electors of President and Vice President of the United States are to be chosen, each of the political parties or parties or groups qualified under section 11-113 of the Hawaii Revised Statutes, shall hold a State party or group convention pursuant to the constitution, bylaws, and rules of the party or group; and nominate as candidates for its party or group as many electors, and a first and second alternate for each elector, or President and Vice President of the United States as the State is then entitled. The electors and alternates shall be registered voters of the State. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties or groups and submitted to the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election of the same year. The chief election officer upon receipt thereof shall immediately notify each of the nominees for elector and alternate elector of the nomination (Hawaii Revised Statutes, § 14-21, Supp.).

If more than one certificate of choice and selection of presidential electors and alternate electors of the same political party or group is filed with the chief election officer, as chairman of the contested presidential electors' committee hereby constituted, the chief election officer shall notify the State Comptroller and Attorney General, who are the remaining members of the committee, of the date, time, and place of the hearing to be held for the purposes of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party or group. Notice of the hearing shall be given to the chairman of the State central committee of each political party and the chairman of each party or group qualified under section 11-113 of the Hawaii Revised Statutes, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by publication at least once in a newspaper of general circulation. A determination shall be made by the committee by majority vote not later than 4:30 p.m. on October 30 of the same year and the determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen (§ 14-22, Supp.).

(2) *Minor and new parties*

No differentiation is made in laws between major and minor political parties. Political parties as defined by section 11-61 shall mean any party which was on the ballot at the last general election which has not been disqualified by this section and any political group which shall hereafter undertake to form a political party in the manner provided below. A political party shall be an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy and which maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao.

Any party which does not meet the following requirements shall be subject to disqualification:

(1) a party must have had candidates running for election at the last general election for any of the offices listed in paragraphs (2) to (5) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of his term;

(2) the party received at least ten percent of all votes cast for any of the offices voted upon by all the voters in the State; or

(3) the party received at least ten percent of all the votes cast in at least fifty percent of the congressional districts; or

(4) the party received at least ten percent of all the votes cast in at least fifty percent of the senatorial districts for the office of State senator; or

(5) the party received at least ten percent of all the votes cast in at least fifty percent of the representative districts for the office of State representative (§ 11–61, Supp.).

Any group of persons hereafter desiring to form a new political party in the State shall file with the chief election officer a petition as hereinafter provided. The petition for the formation of a new political party shall:

(1) Be filed not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary;

(2) Declare as concisely as may be the intention of signers thereof to form such new statewide political party in the State and state the name of the new party;

(3) Contain the signatures of currently registered voters comprising not less than one percent of the total registered voters of the State as of the last preceding general election;

(4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committee, where they exist, of the new political party and by the party rules; and

(5) Be upon the form prescribed and provided by the chief election officer. —

The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any political party. All objections shall be made not later than 4:30 p.m. on the tenth day after the petition has been filed. If no objections are raised by 4:30 p.m. on the tenth day, the petition shall be approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the petition or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.

The chief election officer may check the names of any persons on the petition to see that they are registered voters and he may check the validity of their signatures. The petition shall be public information upon filing (§ 11–62, Supp.).

All existing and new parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record (§ 11–63, Supp.).

All nominations must be made by primary elections (§ 12–1), except presidential electors who are nominated by State party conventions. Names of such latter nominees shall be submitted to the chief election officer no later than 4:30 p.m. on the sixtieth day prior to the general election (§ 14–21, Supp.).

(3) *Independent candidates*

In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place such names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election:

(a) a sworn application concerning candidates for electors;
(b) a petition which shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one percent of the votes cast in the State at the last general election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support such candidates, the address of each signatory, the date of his signature and other information as determined by the chief election officer.

Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each candidate of that person's intent to be a candidate for President or Vice President of the United States on the general election ballot in the State of Hawaii.

Each applicant, and the candidates named, shall be notified in writing of the applicant's or candidates' eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the tenth day after filing or not later than 4:30 p.m. on the fiftieth day prior to the presidential election, whichever is less.

If the applicant, or any other party, individual, or group with a candidate on the presidential ballot, objects to the finding of eligibility or disqualification the person may, not later than 4:30 p.m. on the fifth day after the finding, file a request in writing with the chief election officer for a hearing on the question. A hearing shall be called not later than 4:30 p.m. on the tenth day after the receipt of the request and shall be conducted in accord with chapter 91. A decision shall be issued not later than 4-30 p.m. on the fifth day after the conclusion of the hearing (§ 11-113 (c), (d), (e), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

In presidential elections, the names of the candidates for President and Vice President shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for President and Vice President of each political party shall be counted for the presidential electors and alternates nominated by each political party (§ 11-113, Supp.).

A "national party" as used in this section shall mean a party established and admitted to the ballot in at least one State other than Hawaii or one which is determined by the chief election officer to be making a bona fide effort to become a national party. If there is no national party or the national and State parties or factions in either the national or State party do not agree on the presidential and vice presidential candidates, the chief election officer may determine which candidates names shall be placed on the ballot or may leave the candidates names off the ballot completely (§ 11-113(a), Supp.).

C. STATUTORY INSTRUCTIONS

The electors chosen shall assemble at the State capitol on the first Monday after the second Wednesday in December next following their election, at 2:00 o'clock in the afternoon.

In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party or group as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the Governor. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this State (§§ 14-26—14-28).

IDAHO

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Major political parties include those parties that had three or more candidates for State office listed under the party name at the last general election or that had a candidate for State or national office who received at least 3 percent of the aggregate vote cast for the office of Governor at the last gubernatorial election (Idaho Code Annotated, § 34-501). Presidential electors of such parties are selected at the party State convention in each election year at a time and place determined by the State central committee. The State central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date (§ 34-707).

The State chairman of each political party shall by September 1 certify the names of the presidential electors to the Secretary of State (§ 34-711).

(2) *Minor parties*

A "political party" is defined as an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in any of the following three (3) ways:

(a) By having three (3) or more candidates for State or national office listed under the party name at the last general election, provided that those individuals seeking the office of President, Vice President and presidential elector shall be considered one candidate, or

(b) By polling at the last general election for any one of its candidates for State or national office at least three percent (3%) of the aggregate vote cast for Governor or for presidential electors.

(c) By an affiliation of electors who shall have signed a petition which shall:

(A) State the name of the proposed party in not more than six (6) words;

(B) State that the subscribers thereto have affiliated, one with another, for the purpose of forming such party;

(C) State that the subscribers thereto are entitled to participate in the proposed party's convention to elect officers and nominate candidates;

(D) Have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to two percent (2%) of the aggregate vote cast for presidential electors in the State at the previous general election at which presidential electors were chosen;

(E) Be filed with the Secretary of State on or before August 30 of even-numbered years;

(F) The format of the signature petition sheets shall be prescribed by the Secretary of State and shall be patterned after, but not limited to, such sheets as used for State initiative and referendum measures;

(G) The petitions and signatures so submitted shall be verified in the manner prescribed in section 34-1807, Idaho Code.

(H) The petitions shall be circulated no earlier than August 30 of the year preceding the general election.

Upon certification by the Secretary of State that the petition has met such requirements such party shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.

The newly certified party shall proceed to hold a State convention in the manner provided by law; provided, that at the initial convention of any such political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nominations of candidates. Thereafter the conduct of any subsequent convention shall be as provided by law (§ 34-501, Supp.).

(3) *Independent candidates*

Persons who desire to be independent candidates for the offices of President and Vice President, must file, prior to June 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by a number of qualified electors not less than one percent (1%) of the number of votes cast in this State for presidential electors at the previous general election at which a President of the United States was elected.

The candidates for President and Vice President shall be considered as candidates for one office, and only one such petition need be filed for both offices (§ 34-708A, Supp.).

The State chairman of each political party shall certify the names of the presidential and vice presidential candidates and presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for State and Federal offices by the voters in the primary election (§ 34-711, Supp.). Independent candidates who have qualified for ballot status pursuant to section 34-708A, Idaho Code, shall certify the names of presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify the independent presidential electors, and the independent candidates for President and Vice President, to the county clerks on or before September 7 (§ 34-711A, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The State chairman of each political party shall certify the names of the presidential and vice presidential candidates and presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for State and Federal offices by the voters in the primary election (§ 34-711). Independent candidates who have qualified for ballot status shall certify the names of presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify the independent presidential electors, and the independent candidates for President and Vice President, to the county clerks on or before September 25 (§ 34-711A).

C. STATUTORY INSTRUCTIONS

The electors chosen to elect a President and Vice President of the United States shall, at 12:00 noon on the day which is or may be directed by the Congress of the United States, meet at the seat of government of the State, and then and there perform the duties enjoined upon them by the Constitution and laws of the United States (§ 34-1503). Each elector of President and Vice President of the United States shall, before the hour of twelve (12) o'clock on the day next preceding the day fixed by the law of Congress to elect a President and Vice President, give notice to the Governor and shall forthwith deliver to the electors present a certificate of all the names of the electors; and if any elector named therein fails to appear before nine (9) o'clock on the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect, by ballot, in the presence of the Governor, persons to fill such vacancies (§ 34-1504).

ILLINOIS

Presidential Electors: 24

A. NOMINATIONS

(1) *Major parties*

The State convention of each political party shall have power to make nominations of candidates of its political party for the electors of President and Vice President (Smith-Hurd Illinois Annotated Statutes, ch. 46, § 7-9(b)). State conventions shall be held on the first Friday after the second Monday next succeeding the primary at which committeemen are elected (§ 7-9(b), Supp.).

Choosing and election of electors of President and Vice President of the United States shall be in the following manner: (a) In each year in which a President and Vice President of the United States are chosen, each political party or group in this State shall choose by its State convention electors of President and Vice President of the United States and such State convention of such party or group shall also choose electors at large, if any are to be appointed for this State and such State convention of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the State Board of Elections.

The filing of such certificate with the Board, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice President of the United States (§ 21-1(a), Supp.). Such certification by the respective political parties or groups in this State of electors of President and Vice President shall be made to the State Board of Elections within 2 days after such State convention (§ 21-1(c), Supp.).

(2) *Minor parties*

A minor political party is defined as a political party or group which has not polled more than 5 percent of the entire vote cast for governor in the State at the last preceding general election for Governor (§ 10-2, Supp.). It shall nominate its candidates in the same manner as does a new party.

(3) *New parties*

Any group of persons desiring to form a new political party throughout the State, shall file with the State Board of Elections a petition (a) declaring the intention of the signers to form such a new political party, (b) stating in not more than 5 words the name of such party, (c) containing a complete list of candidates of such party for all offices to be filled in the State at the next election, and (d) signed by one percent (1%) of the number of voters who voted in the preceding statewide general election or 25,000 qualified voters whichever is less (§ 10-2, Supp.). Such petition shall be accompanied by a candidate's statement of candidacy, except candidates for electors for President and Vice President (§ 10-5, Supp.), and all certificates of nomination or nomination papers for candidates to be voted for by all the voters of the State shall be presented to the State Board of Elections at least 92 days, but not more than 99 days, before the general election, for endorsement by the board and for subsequent deposit with the State Board of Elections (§ 10-6, Supp.).

(4) *Independent candidates*

Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding statewide general election or 25,000 qualified voters of the State, whichever is less (§ 10-3, Supp.).

Nomination papers are to be filed with the State Board of Elections between 99 and 92 days prior to the date of the primary (§ 7-12, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates of the several political parties or groups for electors of President and Vice President shall not be printed on the official ballot to be voted in the election to be held on the day in this Act above named. In lieu of the names of the candidates for such electors of President and Vice President, immediately under the appellation of party name of a party or group in the column of its candidates on the official ballot, to be voted at said election first above named there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice President of such party or group with a square to the left of such bracket. Each voter in this State from the several lists or sets of electors so chosen and selected by the said respective political parties or groups, may choose and elect one of such lists or sets of electors by placing a cross in the square to the left of the bracket aforesaid of one such parties or groups. Placing a cross within the square before the bracket enclosing the names of President and Vice President shall not be deemed and taken as a direct vote for such candidates for President and Vice President, or either of them, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided. Voting by means of placing a cross in the appropriate place preceding the appellation or title of the particular political party or group, shall not be deemed or taken as a direct vote for the candidates for President and Vice President, or either of them, but instead to the presidential vote, as a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided (21-1(b), Supp.).

C. STATUTORY INSTRUCTIONS

The electors, elected as aforesaid, shall meet at the office of the Secretary of State in a room to be designated by him in the capitol at Springfield in this State, at the time appointed by the laws of the United States at the hour of 10:00 o'clock in the forenoon of such day, and give their votes for President and for Vice President of the United States, in the manner herein provided, and perform such duties as are or may be required by law (§ 21-4).

INDIANA

Presidential Electors: 12

A. NOMINATION

(1) *Major parties*

Major political parties which received at least ten percent of the total vote cast for Secretary of State at the last election shall nominate or elect presidential electors and alternate electors (Indiana Statutes Annotated §§ 3-8-4-1 and 3-8-4-15, Supp.).

(2) *Minor parties and independent candidates*

A candidate may be nominated for an elected office by petition of voters who are registered to vote at the time of signing the petition and qualified to vote for the candidate (§ 3-8-6-2, Supp.). A petition of nomination must be signed by the number of voters equal to two percent (2%) of the total vote cast at the last election for Secretary of State in the election district that the candidate seeks to represent. However, a petition of nomination must be signed by at least five (5) voters (§ 3-8-6-3, Supp.).

A petition of nomination must be submitted to the circuit court clerk or board of registration during the period beginning January 1 of the year in which the election will be held and ending July 1 before the election. After certification but before July 16 before the election, the petition must be filed with the public official authorized to place names on the ballot. Such petition for presidential electors shall be filed with the governor (§ 3-8-6-10, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates of a political party or group of petitioners for electors of President and Vice President of the United States may not be placed on the ballot. Instead, the names of the nominees for President and Vice President of the United States of each political party or group of petitioners shall be placed in one (1) column on the ballot if paper ballots are used, or on one (1) ballot label in one (1) column or row if voting machines are used. The words "For presidential electors for" shall be printed above names of the nominees for President and Vice President (§ 3-8-6-10, Supp.). Each vote cast or registered for the nominees for President and Vice President of the United States of a political party or group of petitioners is a vote cast or registered for all of the candidates for presidential electors of the party or group and shall be counted. These votes shall be counted, canvassed, and certified in the same manner as the votes for candidates for other offices (§ 3-10-4-4, Supp.).

C. STATUTORY INSTRUCTIONS

The presidential electors who are elected at a general election shall assemble in the chamber of the Indiana house of representatives on the first Monday after the second Wednesday in December, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice President of the United States. The Governor shall deliver to the electors present a certificate of the names of all the electors (§ 3-10-4-7, Supp.). If a presidential elector fails to appear before 11 A.M. on the day prescribed by section 7 [3-10-4-7] of this chapter, the electors present shall, by ballot and a majority vote of all those present, fill the vacancy. The election shall be immediately certified by a majority of the electors to the Governor, who shall immediately notify the person of the person's election (§ 3-10-4-8, Supp.). The presidential elector, when assembled and after vacancies are filled, shall then vote by ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this State (§ 3-10-4-9, Supp.).

IOWA

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

Electors are nominated by regular State party conventions (Iowa Code Annotated, § 43.109(4)), which shall be held either preceding or following the primary election at a time and place designated by the party State central committee, either preceding or following the primary election (§ 43.107, Supp.). The names of candidates for President and Vice President of a political party as defined in the law shall be certified to the State Commissioner by the party State chairperson and secretary of the State central committee at least 67 days prior to the general election (§ 54.5, Supp.).

(2) *Minor and new parties*

A political organization which did not cast at least 2 percent of the total vote cast for President of the United States or for Governor at the last general election (§ 43.2, Supp.) may nominate one candidate for each office to be filled at the next general election. Such nomination shall be by convention or caucus (§ 44.1, Supp.), provided that to qualify for making a nomination for statewide office, such political organization must have at its convention or caucus a minimum of 250 qualified electors with at least one elector from each of 25 counties (§ 44.1, Supp.). The nomination certificate, signed by the chairman and secretary of such convention or caucus, shall be filed with the State Commissioner not more than 85 nor less than 67 days before the general election (§§ 44.2, 44.3, 44.4, Supp.).

Certificates of nomination by such conventions for presidential electors in addition to the names and addresses of presidential electors are to contain the names of the candidates for President and Vice President (§ 44.3, Supp.).

(3) *Independent candidates*

Nominations for candidates for President and Vice President and for State offices may be made by nomination papers signed by not less than one thousand eligible electors of the State. For candidates for President and Vice President, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition. (§ 45.1, Supp.). Nomination papers are to be filed in the office of the State Commissioner not more than 85 nor less than 67 days before the general election (§§ 44.4, 54.5, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for President and Vice President and not the names of the candidates for electors shall be placed on the ballots under the respective party names. A vote for the candidates of any political party or group of petitioners for President and Vice President shall be deemed conclusively to be a vote for each candidate nominated in each district and in the State at large by the party for electors (§§ 49.32, 54.2).

C. STATUTORY INSTRUCTIONS

The presidential electors shall meet in the capitol, at the seat of goverment, on the first Monday after the second Wednesday in December next following their election. If, at the time of such meeting, any elector for any cause is absent, those present shall at once proceed to elect, from the citizens of the State, a substitute elector or electors, and certify the choice so made to the Governor, and he shall immediately cause the person or persons so selected to be notified thereof. When so met, the said electors shall proceed, in the manner pointed out by law, with the election, and the Governor shall duly certify the result thereof, under the seal of the State, to the United States Secretary of State, and as required by act of Congress relating to such elections (§§ 54.7; 54.8, but see 3 U.S.C. § 11, which names the Administrator of General Services as the recipient).

KANSAS

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

Kansas in 1961 changed the procedure for nominating presidential electors of the major political parties from the use of primaries to nomination at delegate or mass conventions or caucuses (Kansas Statutes Annotated, § 25-301). A convention or caucus shall be called by the State chairman of the party, or if there be no State chairman, by the party's candidate for Governor at the preceding general election (§ 25-302).

Party nominations for presidential elections can only be made by a delegate or mass convention or caucus of qualified voters belonging to a political party having a national or State organization. Certificates of nomination must be filed by noon on June 20 prior to the general election (§§ 25-301, 25-305).

(2) *Minor and new parties*

Candidates for elective office who are members of any political party whose candidate for Secretary of State did not poll at least 5 percent of the total vote cast for all candidates for Secretary of State in the preceding general election shall not be entitled to nomination by primary but shall be nominated by a delegate or mass convention (§ 25-202). A convention shall be called as in (1) above. Presidential electors of such parties shall be nominated at State conventions (§ 25-301). Certificates of nomination shall be signed by the presiding officer and a secretary of the convention and filed with the Secretary of State by noon on June 10 prior to the general election (§§ 25-302, 25-305).

A new party organized in Kansas and any national political party seeking to organize in the State shall be allowed to make party nominations by mass conventions or caucus only after filing with the Secretary of State at least 60 days before June 10 in an election year petitions signed by qualified electors equal in number to at least 2 percent of the total vote cast for all candidates for Governor in the last preceding general election. Such petitions shall declare the intention of said electors of organizing a political party, set forth its name, and its intention to participate in the next succeeding election (§ 25-302a). Candidates of such parties shall be nominated and their names certified in the same manner as by minor parties.

(3) *Independent candidates*

Candidates may be nominated by independent nomination papers signed by not less than 2,500 voters (§ 25-303, Supp.). Independent nomination petitions are to be filed with the Secretary of State by noon on June 10 prior to the general election (§ 25-305).

B. NAMES ON GENERAL ELECTION BALLOTS

The surnames of the candidates of each political party for the offices of President and Vice President, with the political designation thereof placed at the right of the surnames, shall be in one line (§ 25-615, Supp.).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President of the United States shall convene at the capitol of the State on the first Monday after the second Wednesday in December after their election, at the hour of 12:00 o'clock noon of that day; and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill, by ballot and by a plurality of votes, such vacancy in the Electoral College, and when the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States (§ 25-802).

KENTUCKY

Presidential Electors: 9

A. NOMINATION

(1) *Major parties*

Any political party, as defined in KRS 118.015, and any political organization not constituting such a political party but which cast two percent (2%) of the vote of the state at the last preceding election for presidential electors, may nominate, by a convention or primary election held by the party or organization in accordance with its constitution and bylaws, as many electors of President and Vice President of the United States as this State is entitled to elect. Any political organization not constituting a political party within the meaning of KRS 118.015 but which cast two percent (2%) of the vote of the State at the last preceding election for presidential electors may nominate, by a convention or primary election held by the party in accordance with its constitution and bylaws (§ 118.325(1), Supp.).

Such nominations shall be certified in writing by the presiding officer and secretary of the convention. The certificates shall state the names of the candidates of the party for President and Vice President (§ 118.325(2)). Such certificates shall be filed with the Secretary of State not less than 68 days prior to the general election (§ 118.365(7), Supp.).

(2) *Minor and new parties*

A political organization which cast at least 2 percent but less than 20 percent of the total vote of the State at the last presidential election may nominate candidates by convention or by a primary election held by the party in accordance with its constitution and bylaws. The certificates of nomination for statewide offices by such a convention or primary election, signed by the presiding officer and secretary of the convention or by the proper committee chairman and secretary, shall be filed with the Secretary of State not less than 68 days before the general election (§§ 118.015(1), 118.325 (1), (2), 118.365(7), Supp.).

(3) *Independent candidates*

A candidate may become an independent candidate when a nominating petition is filed in his behalf signed by 5,000 qualified voters if office is voted for by the entire State (§ 118.315, Supp.). Petitions should be filed with Secretary of State (§ 118.356), not more than 68 days prior to the date fixed by law for the election of electors (§ 118.365(7), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

Candidates for President and Vice President shall be entitled to have their names placed on the ballot for the regular election if they are candidates of those political parties and organizations which have nominated presidential electors as provided in Kentucky Revised Statutes, § 118.325, where the certificate of nomination of such electors has been filed with the Secretary of State within the appropriate time (§ 118.305, Supp.). In the case of elections for electors of President and Vice President of the United States, the State board of elections shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected (§ 118.425(5), Supp.).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President of the United States shall convene at the State capitol, at 11:45 a.m. on the first Monday after the second Wednesday in December next after their election, give their votes at or after 12:00 noon, and make return thereof according to law. If any elector fails to attend by 12:00 noon, on the day of the meeting, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people (§ 118.445, Supp.).

LOUISIANA

Presidential Electors: 10

A. NOMINATION

(1) *Political Parties*

Nominations for candidates for Presidential electors made by each recognized political party shall be made in such manner as shall be determined by a resolution adopted by the State central committee of the respective recognized political party. Each recognized political party shall nominate a full slate of candidates for elector, one from each congressional district and two from the State at large (Louisiana Revised Statutes Annotated, title 18, § 1253(A)). The names of candidates nominated by each recognized political party shall be filed with the Secretary of State by sworn statement, which shall be known as a certificate of nomination. The certificate of nomination shall be sworn to, signed, and filed by the chairman and secretary of the State central committee, except when the State central committee orders the nomination of presidential electors by a convention, in which case the chairman and secretary of the convention shall swear to, sign, and file the certificate of nomination (18, § 1253(B)).

Each certificate of nomination shall contain:

(a) the name and place of residence of each candidate for presidential elector;

(b) the particular office of presidential elector for which each is nominated;

(c) the name of the recognized political party making the nomination;

(d) the names of the candidates for President and Vice President supported by the party. In addition, a certificate of nomination filed by the chairman and secretary of a State central committee shall certify the adoption by the State central committee of the resolution of the committee which authorized the method of nomination, the method of nomination used, and the time and place where the nomination took place. A certificate of a nominating convention also shall certify the adoption by the State central committee of the resolution which authorized the convention, the time, and place where the convention was held, and the election of the chairman and secretary. Each certificate of nomination filed with the Secretary of State shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination (18, § 1253(C)). The certificate of nomination shall constitute full proof of the nominations it recites and shall entitle the candidates for electors to each receive the number of votes received in the election by the party's candidate for President (18, § 1253(D)). If the nominees for the offices of President and Vice President nominated by a national convention of a recognized political party, together with a slate of candidates for the offices of presidential electors to support such nominees, are not properly certified to the Secretary of State by the state central committee of that party prior to five o'clock p.m. on the first Tuesday in September in a presidential election year, the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to certify the nominees to support such nominees within forty-eight hours thereafter (18, § 1253(E), Supp.). A political party is recognized if one of its candidates for presidential elector received at least 5 percent of the votes cast in the State for presidential electors in the last presidential election or if at least 5 percent of the registered voters in the State are registered as being affiliated with the political party (§ 441).

(2) *Independent candidates*

A slate of independent candidates for presidential elector may be nominated by nominating petitions or may qualify by the payment of a qualifying fee of $500. Such qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A). Each qualifying fee shall be accompanied by the notarized affidavit of each candidate for elector signifying his acceptance of the nomination. An independent candidate for presidential elector may be registered to vote with or without a declaration of party affiliation (§ 1254(A), Supp.). A nominating petition for a slate of candidates for the offices of presidential elector shall be signed, filed, and certified as provided for State candidates voted on throughout the State (§ 1254(B)).

Any slate of candidates for presidential elector that qualifies by payment of a qualifying fee shall be a full slate of candidates for elector, one from each congressional district and two from the State at large, and shall submit with the qualifying fee the following information for each candidate:

(1) The candidate's name;
(2) The address of his domicile;
(3) The office sought;
(4) The names of the candidate for President and the candidate for Vice President whom the candidates for elector support;
(5) The recognized political party, if any, with which each candidate for presidential elector is affiliated;
(6) In not more than three words, the political principle that he represents; and
(7) The date of the election for which he seeks to qualify (§ 1254(D), Supp.).

Certificates of nomination of presidential electors and all nominating petitions shall be filed with the Secretary of State during the period beginning on the first Tuesday in August and ending at 5:00 p.m. on the first Tuesday in September of each year in which a presidential election is to be held (§ 1255).

B. NAMES ON GENERAL ELECTION BALLOTS

In any year in which presidential electors are to be elected, the Secretary of State shall arrange the voting machine ballot on the vertical type voting machine so that the names of candidates for President and Vice President shall appear on the ballot in the first column. On the horizontal type voting machine the Secretary of State shall arrange the voting machine ballot so that the names of candidates for President and Vice President shall appear on the ballot in the first two columns. Directly to the left of the names of the presidential and vice presidential candidates on the vertical type voting machine and directly above the names of the presidential and vice presidential candidates on the horizontal type voting machine shall appear:

(a) if nominated by a recognized political party, the name of the party and the national party emblem, if any, or State party device, if any, as the State central committee of the party shall direct; and

(b) if nominated by a nominating petition, the political principle which the candidates support, as stated on the nominating petition, if any, and the words "Nominating Petition" or the abbreviation "Nom. Petition." Immediately below the name of the party, "Nominating Petition," or "Nom. Petition" shall appear the word "Electors," and below this shall appear the names of the presidential electors nominated in support of the nominees for President and Vice President of that party or political principle. In preparing the ballots, the Secretary of State shall arrange the names of the candidates of recognized political parties alphabetically, according to the names of the parties, followed by the names of the candidates nominated by nominating petitions, listed alphabetically by designation of political principle. No candidate nominated other than by a recognized political party shall use the name of any recognized political party in the political or party designation of the candidate (§ 1259).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the State capitol in Baton Rouge on the day appointed for their meeting by Federal law and shall execute the duties and services enjoined upon them by the Constitution and laws of the United States. Notice of the time and place of the meeting shall be transmitted to each elector by the Secretary of State no later than seven days preceding the day of the meeting (§ 12[illegible]).

MAINE

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated at biennial State conventions of the respective parties held in presidential election years between March 1 and August 1 (Maine Revised Statutes, title 21-A, § 401, Supp.). A "major party" is one which at the last gubernatorial election polled the greatest or next greatest number of votes cast in the State for Governor (§ 1(20), Supp.).

(2) *Minor and new parties*

A "minor party" means one other than a major party (§ 1(24), Supp.).

"Party" refers to a political organization which has qualified to participate in a primary or general election pursuant to chapter 10 (§ 1(28), Supp.).

Candidates of minor parties must be selected by a primary election held on the second Tuesday in June every general election year (§§ 441, 448), except presidential electors, who are nominated at party conventions (§§ 401.2(C), 441).

(3) *Independent candidates*

A person may file as a candidate for any Federal, State, or county office either by primary election or nomination petition, but not by both (§ 491). A person who seeks nomination by petition shall file a signed declaration of candidacy with the Secretary of State by or before 5:00 p.m. on the date of the primary election in the election year in which that person will be a candidate (§ 493). Nomination petitions for a slate of candidates for the office of presidential elector must be signed by at least 4,000 and not more than 6,000 voters (§ 494.5(A)). A nomination petition may not be signed before January 1 of the election year in which it is to be used (§ 494.6). A nomination petition may contain the candidate's consent and the candidate's political designation, which shall not exceed three words in length, shall not include the candidate's name, and shall not include the name or designation of a party qualified to nominate candidates by primary election (§ 494.1). The petition shall be submitted to the registrar of each municipality for certification by or before 5:00 p.m. on the fifth day before the date of the primary election (§ 494.8). The petition shall be filed in the office of the Secretary of State by or before 5:00 p.m. on the date of the primary election in the election year in which it is to be used (§ 494.9). Names of presidential electors must be placed on the petition as a slate. Names of candidates for President and Vice President shall be placed on a petition for the nomination of presidential electors (§ 494.1(A)).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors must not be printed on the ballot. A vote for a presidential and vice presidential candidate is considered a vote for the electors representing that party (§§ 701(1)(A), 1181).

C. STATUTORY INSTRUCTIONS

Electors shall vote by separate ballot for one person for President and one person for Vice President (§ 1184(1)). A presidential elector is elected from each congressional district and two at large (§ 1181(A)). They shall convene in the Senate chamber in Augusta on the first Monday after the second Wednesday of December at 2:00 p.m. following their election (§ 1183). The presidential electors at large shall cast their ballots for presidential and vice presidential candidates who received the largest number of votes in the State. The presidential electors of each congressional district shall cast their ballots for the presidential and vice presidential candidates who received the largest number of votes in each congressional district (§ 1184(1)(A)). If any electors are not present, the electors present shall fill the vacancy by majority vote (§ 1183).

MARYLAND

Presidential Electors: 10

A. NOMINATION

(1) *Major parties*

The State convention of any party shall nominate or provide for the nomination of candidates for presidential electors of the party in such manner as the convention determines. The State convention shall nominate or provide for the nomination of as many candidates for presidential electors of the party as this State is entitled to appoint. The names of persons nominated by the State convention as candidates for presidential electors shall be certified by the presiding officers of the State convention to the State Administrative Board of Election Laws (Annotated Code of Maryland, § 12-7).

(2) *Minor and new parties*

If, in any general election for President of the United States or Governor of the State, any political party polls less than three percent of the entire vote cast in the State for the offices of President and United States Senator (if a Senator for the State was elected at such election), such party shall cease to be a political party, and in subsequent elections must qualify as a new party to participate in elections (§ 4C-1).

Any group of voters wishing to form a new political party shall do so by filing with the State Administrative Board of Election Laws a petition for formation of a political party which shall declare their intention of organizing a State political party, the name of which shall be stated in the petition together with the name and address of the State chairman thereof and the names and addresses of at least twenty-five persons who shall be designated as constituting the governing body of the party. Appended to the petition shall be papers bearing the signatures of at least ten thousand qualified voters of the State (§ 4B-1(a)).

If the petition for the formation of a political party is properly drawn and filed, then, within ninety days after the filing of the petition and appended papers, the persons designated in the petition as constituting the governing body of the party shall hold an organizational meeting and shall adopt for the conduct of the affairs of the party an interim constitution and bylaws, which shall be filed with the State Administrative Board of Election Laws within thirty days after adoption. Any amendments to the interim constitution and bylaws shall likewise be filed with the State Administrative Board of Election Laws within thirty days after adoption. The said organizational meeting shall be convened by the person designated in the petition as the State chairman of the party, who shall preside as president pro tem of the meeting until such time as party officers are elected (§ 4B–1(f)).

The interim constitution and bylaws shall provide for such meetings as in the opinion of the governing body of the new political party shall be necessary for the proper conduct of party affairs and shall specifically provide for the selection of a State central committee for the party, the selection of party central committees for the several counties and Baltimore City, and for the selection of chairmen for the State and local party central committees (§ 4B–1(g)).

The interim constitution and bylaws shall also provide for the manner of calling all meetings and for advance notification thereof; for rules governing the conduct of all meetings, including the attendance required for a quorum; for a procedure for selecting party nominees for public office, subject to the provisions of this article; and for the manner and method of amending the interim constitution and bylaws of the political party. The interim constitution and bylaws shall also provide that no meeting of the political party or the governing body of the political party shall be called unless ten days written notice thereof shall be given, by regular mail, to each person entitled under the interim constitution and bylaws to attend, addressed to the residence of such person as disclosed by the records of the board of the county or Baltimore City in which such person is a voter. In the event that it is necessary to call a meeting to fill a vacancy in a party nomination for public or party office, it shall be sufficient if five days notice shall be given in a manner to be provided by the interim constitution and bylaws (*ibid.*).

The nominees for public office of the party shall be selected in the manner provided in the interim constitution and bylaws of the party, but no such nominee shall appear upon the ballot at any general election unless the nominee has complied with all the requirements of the provisions of the subtitle "Nomination by Petition." including the filing of petitions with the election board or the several boards of the State, which shall bear in addition to the name of the nominee, the name of the party, signed by not less than three percent of the registered voters who are eligible to vote for the office for which election at the general election is sought. The political party shall not nominate more than one candidate for each public or party office to be filled at the succeeding general election, except to fill a vacancy in a prior nomination (§ 4B–1(h)).

(3) *Independent candidates*

A candidate for any public office who is registered as an independent or who is a member of or affiliated with a partisan organization which is not a political party may be nominated by petition (§ 7–1(a), Supp.).

A candidate for public office seeking nomination by petition shall file a certificate of candidacy with a sworn statement attached that he has on file with the election board or the several boards of the State petitions signed by not less than three percent of the registered voters who are eligible to vote for the office for which such nomination by petition is sought (§ 7-1(b), Supp.).

The petition with the required number of signatures is to be filed with the appropriate board by not later than 5 p.m. on the first Monday in August (§ 7-1(c), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

Each citizen of the State entitled to vote for those persons seeking Federal office shall have the right to vote for the whole number of electors. The presidential electors of the candidates for President and Vice President who receive the highest number of votes shall be declared to be elected as said electors, and shall be deemed so appointed (§ 20-1). The names of the candidates for presidential electors shall not be printed on the ballot, but in lieu thereof the names of the candidates of each party for the office of President and Vice President shall be printed thereon. A vote for said candidates for President and Vice President shall be deemed and counted as a vote for each of the presidential electors of said party (§ 20-2).

C. STATUTORY INSTRUCTIONS

The presidential electors elected at the November election shall meet in the State House in Annapolis. After taking the oath prescribed by the Constitution, they shall give their votes for President and Vice President, on the day fixed by law of the United States, for meeting of electors of President and Vice President, and shall cast their votes for the candidates who received a plurality of the votes cast in the State (§ 20-4).

MASSACHUSETTS

Presidential Electors: 13

A. NOMINATION

(1) *Major parties*

The State committees of the respective political parties at a meeting called for the purpose shall nominate the presidential electors. The surnames of the candidates for President and Vice President of the United States shall be added to the party or political designation of the candidates for presidential electors. Such surnames and a list of the persons nominated for presidential electors shall be filed by the State chairmen of the respective political parties not later than the second Tuesday of September (Massachusetts General Laws Annotated, ch. 53, § 8, Supp.). Nomination papers for presidential elector are to be filed on or before the first Tuesday in June in which a presidential election is to be held (June 7, 1988) (§ 10, Supp.).

(2) *Minor and new parties*

At any primary, caucus or convention, each party having the right to participate in or hold the same may nominate as many candidates for each office for which it has the right to make nominations therein as there are persons to be elected to that office, and no more. A party which makes one or more nominations shall be entitled to have the name of each of its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination is made by direct plurality vote in a primary or in several caucuses held in more than one ward or in more than one precinct or group of precincts, a certificate of nomination must be filed with the Secretary of State (§§ 1, 5, 10, Supp.).

Such State convention shall be held not earlier than 4 days after the caucuses at which delegates to such convention were elected, and not later than 48 hours prior to the hour for filing certificate of nomination (§ 4).

The certificate of nomination with the candidates' written acceptance, except for presidential electors, should be filed by the secretary of the convention with the Secretary of State within 72 hours succeeding 5:00 p.m. of the day on which the caucus was held or the session of the convention terminated (§§ 5, 9, Supp.).

Nomination papers should include the party, if any, which a candidate represents (§ 8, Supp.). Names of candidates for President and Vice President shall be added to the party or political designation of candidates for presidential electors (§ 8, Supp.). Provisions of this paragraph also apply to nomination papers for independent and new party candidates.

(3) *Independent candidates*

Nomination papers are required for candidates to be voted on by the State at large, signed by voters equal in number to 2 percent of the entire State vote for Governor at the last biennial election (§ 6, Supp.). Candidate's written acceptance must accompany nomination papers (§ 9, Supp.). Nomination papers should be submitted to registrars of signer's city or town of voting residence for certification on or before 5:00 p.m. of the 7th day before last date for filing (§ 7, Supp.), and should be filed with the Secretary of State (§ 9, Supp.). Nomination papers for presidential elector are to be filed on or before the first Tuesday in June of the year in which a presidential election is to be held (§ 10, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for presidential electors shall not be printed on the ballot, but in lieu thereof, the surnames of the candidates of each party for President and Vice President in one line under the designation "Electors of President and Vice President." A square in which the voter may designate his choice for electors is at the right of each political designation. The candidates for electors are nominated to vote for the party's candidates for President and Vice President. The vote for such latter candidates on the State ballot, however, shall be deemed as a vote for the candidates for electors (ch. 54, §§ 43, 43A, 78).

C. STATUTORY INSTRUCTIONS

Candidates for President and Vice President and State chairmen when filing the list of nominees for presidential elector must also file an acceptance in writing signed by each candidate for presidential elector on a form to be provided by the Secretary of State. The acceptance form shall include a pledge by the presidential elector to vote for the candidate named in the filing (ch. 53, § 8).

Persons chosen as presidential electors shall meet at the statehouse on the date fixed by Federal law and organize. A journal of their proceedings shall be kept and shall be deposited in the office of the Secretary of State (ch. 54, § 148).

MICHIGAN

Presidential Electors: 20

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated by major parties at their respective regular fall State conventions (Michigan Compiled Laws, § 168.42). Such conventions shall be held not less than 55 days before the November general election at a time and place designated by the party State central committee. The calls for such conventions shall be issued at least 60 days prior to the August primaries (§ 168.591, Supp.).

The primary is held on the Tuesday succeeding the first Monday in August (§ 168.534, Supp.). August 2, 1988.

Each respective State central committee in its call for the State convention shall forward a notice to the chairman of each county committee of the party showing the number of delegates to which each county shall be entitled in the State convention of the party, and the State central committee shall apportion such delegates to the several counties in proportion to the number of votes cast for the candidate of the party for Secretary of State in each of said counties, at the last preceding November election. In addition to the proportionate number of delegates allocated to each county, the State central committees shall allocate an additional number of delegates equal to the number of incumbent legislators nominated by their party and residing in such county (§ 168.598, Supp.).

County conventions meet to choose delegates to the State conventions which shall be held not less than 8 nor more than 19 days after the August primaries (§ 168.592, Supp.).

The names of all the candidates for electors as well as the candidates of the party for the offices of President and Vice President shall be certified by the State central committee of each party to the Secretary of State and the various county boards of election commissioners within 24 hours after the conclusion of the conventions (§ 168.686).

(2) *Minor and new parties*

Any political party which failed to have at least one candidate who received at least 5 percent of the total vote cast for all candidates for the office of Secretary of State in the last preceding State election, either in the State or in any political subdivision affected, shall not make its nominations by the direct primary method. The nomination of candidates of such parties shall be made by means of caucuses and conventions (§§ 168.532, 168.686a, Supp.). A convention for the selection of presidential electors shall be held at least 66 days prior to the November general election (§§ 168.42, 168.591, Supp.). Such nominations shall be certified by the chairman and secretary of the convention or caucus, under oath, and there shall accompany such certifications a written acceptance of nomination by each candidate and affidavit of identity (§ 168.686a, Supp.).

Nomination certificates shall also contain the designation of the party (§ 168.687). In each presidential election year, names of a party's candidates for President and Vice President shall be filed at the same time (§ 168.686). The name of no candidate of a new political party shall be printed upon the official ballots of any election unless the chairman and secretary of the State central committee of the party shall have filed with the Secretary of State, at least 3 months before the primary election, a certificate signed by them bearing the name of the party, and unless accompanying the certificate there shall have been filed petitions bearing the signatures of registered and qualified electors equal to not less than one percent nor more than four percent of the number of votes the successful candidate for Secretary of State received at the last election in which a Secretary of State was elected. The petitions shall be signed by at least 100 residents in each of at least 9 congressional districts of the State and not more than 35 percent of the minimum required number of the signatures may be resident electors of any one congressional district (§ 168.685, Supp.). No political party, the principal candidate of which shall have received a vote equal to less than one percent of the total number of votes cast for the successful candidate for the office of Secretary of State at the last preceding election in which a Secretary of State was elected shall have the name of any candidate printed on the ballots at the next ensuring election, nor shall a column be provided on the ballots for such party (*ibid.*). New parties shall nominate presidential electors in the same manner as other parties (§ 168.42).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President are printed on the general State ballot in lieu of the names of the electors. The office title, however, reads "Electors of President and Vice President of the United States" (§ 168.706). A vote for the presidential and vice presidential candidates shall be deemed a vote for their entire list of presidential electors (§ 168.45, Supp.).

C. STATUTORY INSTRUCTIONS

The electors shall convene in the senate chamber at the State capitol at 2:00 p.m. on the first Monday after the second Wednesday in December after their election (§ 168.47, Supp.). Those candidates for electors of President and Vice President shall be deemed elected whose names have been certified to the Secretary of State by that political party receiving the greatest number of votes for the office at the ensuing November election (§ 168.42).

MINNESOTA

Presidential Electors: 10

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated by delegate conventions called and held under the supervision of the respective State central committees of the major parties of the State. The names of the persons nominated as presidential electors shall be certified to the Secretary of State by the chairman of such convention for the office of presidential elector on or before any primary election day (Minnesota Statutes Annotated, § 208.03, Supp.).

"Major political party" means a political party that maintains a party organization in the State, political division or precinct in the question and:

(a) Which has presented at least one candidate for election to a partisan office at the last preceding State general election, which candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) Whose members present to the county auditor a petition for a place on the State partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding State general election in the county where the application is submitted (§ 200.02, Subd. 7, Supp.).

(2) *Minor and new parties*

Candidates for any partisan office who do not seek the nomination of a major Political Party shall be nominated by nominating petition and shall file an affidavit of candidacy (§ 204B.03, Supp.). On petitions nominating presidential electors, the names of the candidates for President and Vice President shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the State is entitled (§ 204B.07, Subd. 2, Supp.).

Nominating petitions shall be signed during the period when petitions may be filed as provided in section 204B.09. A nominating petition may be signed only by individuals who are eligible to vote for the candidate who is nominated. No individual may sign more than one nominating petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.

The number of signatures required on a nominating petition for a State office voted on statewide shall be one percent of the total number of individuals voting in the State at the last preceding State general election, or 2,000, whichever is less (§ 204B.08, Subds. 1-3, Supp.).

Candidates for presidential electors may file affidavits and petitions on or before the State primary day (September 13, 1987) (§ 204B.09, Subd. 1, Supp.).

(3) *Independent candidates* (See *Minor and new parties supra.*).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the party candidates for President and Vice President rather than the names of the persons nominated for presidential elector are printed on the ballot, and a vote for the candidate shall be counted as a vote for each of the party's electors (§ 208.04, Supp.).

C. STATUTORY INSTRUCTIONS

The presidential electors, elected at the November election, shall meet at 12:00 noon in the executive chamber at the State capitol on the day fixed by Congress for voting for President and Vice President, and then and there perform all the duties imposed upon them as such electors by the Constitution and laws of the United States and the State (§§ 208.06–208.08, Supp.).

MISSISSIPPI

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

At the State convention, a slate of electors composed of the number of electors allotted to this State, which said electors announce a clearly expressed design and purpose to support the candidates for President and Vice President of the national political party with which the said party of this State has had an affiliation and identity of purpose heretofore, shall be designated and selected for a place upon the primary election ballot (Mississippi Code Annotated, § 23–15–771, Supp.).

When presidential electors are to be chosen, the Secretary of State of Mississippi shall certify to the circuit clerks of the several counties the names of all candidates for President and Vice President who are nominated by any national convention or other like assembly of any political party or by written petition signed by at least one thousand (1,000) qualified voters of this State. The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the chairman of the State executive committee of the political party making the nomination. Any nominating petition, to be valid, must contain the signatures as well as the addresses of the petitioners. Such certificates and petitions must be filed with the State Board of Election Commissioners by filing the same in the office of the Secretary of State not less then sixty (60) days previous to the day of the election (§ 23–15–785, Supp.).

(2) *Minor parties, new parties and independent candidates*

Presidential electors may be nominated by an assembly of any political party or by written petition signed by at least 1,000 qualified voters. The Secretary of State shall certify to the county clerks the names of nominated candidates for President and Vice President (§ 23–15–785(1), Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "PRESIDENTIAL ELECTORS FOR (here insert the name of the candidate for President, the word 'AND' and the name of the candidate for Vice President)" in lieu of placing the names of such presidential electors on such official ballots, and a vote cast therefor shall be counted and shall be in all respects effective as a vote for each of the presidential electors representing such candidates for President and Vice President of the United States. In the case of unpledged electors, the State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words, "UNPLEDGED ELECTOR(S)" (here insert the name(s) of individual unpledged elector(s) if placed upon the ballot based upon a petition granted in the manner provided by law stating the individual name(s) rather than a slate of electors) (§ 23-15-785(2), Supp.).

C. STATUTORY INSTRUCTIONS

Each certificate of nomination and nominating petition must be accompanied by a list of the names and addresses of persons, who shall be qualified voters of this State, equal in number to the number of presidential electors to be chosen. Each person so listed shall execute the following statement which shall be attached to the certificate or petition when the same is filed with the State Board of Election Commissioners: "I do hereby consent and do hereby agree to serve as elector for President and Vice President of the United States, if elected to that position, and do hereby agree that, if so elected, I shall cast my ballot as such for ——————— for President and ——————— for Vice President of the United States" (inserting in said blank spaces the representative names of the persons named as nominees for said respective offices in the certificate to which this statement is attached) (§ 23-15-785(3), Supp.).

The electors chosen shall meet at the seat of government of the State on the first Monday after the second Wednesday in December next following their election, and shall there give their votes for President and Vice President of the United States, and shall make return thereof agreeably to the laws of the United States; and should any elector so chosen fail to attend and give his vote, the other electors attending shall appoint some person or persons to fill the vacancy or vacancies, who shall attend and vote as electors; and such appointment shall be forthwith reported to the Secretary of State (§ 23-15-789, Supp.).

MISSOURI

Presidential Electors: 11

A. NOMINATION

(1) *Major parties*

The State committee of any established political party may call a convention of delegates to be apportioned, chosen, or elected in such manner as it may prescribe for the purpose of nominating presidential electors (Vernon's Annotated Missouri Statutes, § 115.625). The term "established political party" for the State means a political party which at either of the last two general elections polled for its candidate for any statewide office more than two percent of the entire vote cast for the office (§ 115.013(10), Supp.).

Not later than the third Tuesday prior to each presidential election, the State committee of each established political party shall certify in writing to the Secretary of State the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each State committee, and the number of nominees for presidential elector named by each State committee shall equal the number to which the State is entitled (§ 115.399(2)).

(2) *New parties*

Any group of persons desiring to form a new political party throughout the State shall file a petition with the Secretary of State. The petition shall declare the intention to form a new political party, state the name of the proposed party, give the name and addresses of candidates to be nominated for office, and state the office for which each candidate is to be nominated. If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the State is entitled, and the names of their candidates for President and Vice President shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for President and Vice President may be added to the party name, but the names of the candidates for President and Vice President shall not be printed on the official ballot without their written consent. Their written consent shall accompany and be deemed part of the petition. If the new party is to be formed for the entire State, the petition shall be signed by the number of registered voters in each of the several congressional districts which is equal to at least one percent of the total number of votes cast in the district for Governor in the last gubernatorial election or by the number of registered voters in each of one half of the several congressional districts which is equal to at least two percent of the total number of votes cast in the district for Governor at the last gubernatorial election (§ 115.315, Supp.).

The filing of a valid petition shall constitute the political group a new party for the purpose of placing its name and the names of the candidates which appeared on the petition on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the names of their candidates for President and Vice President shall be placed on the official ballot at the next presidential election (§ 115.317).

The Secretary of State shall not accept for filing any petition for the formation of a new party which is submitted before 8 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5 p.m. on the first Monday in August immediately preceding the general election for which the petition is submitted (§ 115.329).

(3) *Independent candidates*

Any person desiring to be an independent candidate for any office to be filled by voters throughout the State shall file a petition with the Secretary of State. The petition shall declare the intention to nominate an independent candidate, state the name and address of the independent candidate, and the office for which the candidate is to be nominated. If independent candidates for presidential elector are to be nominated, a number of independent candidates for presidential elector equal to the number of electors to which the State is entitled shall be nominated by one petition, and the names of their candidates for President and Vice President shall be printed on each page or a sheet attached to each page of the petition. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector, and the name and address of each candidate shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for President and Vice President shall not be printed on the official ballot without their written consent. Their written consent shall accompany and be deemed part of the petition (§ 115.321).

If an independent candidate is to be nominated for a statewide office, the petition shall be signed by the number of registered voters in each of the congressional districts which is equal to at least one percent of the total number of votes cast in the district for Governor at the last gubernatorial election or by the number of registered voters in each of one half of the congressional districts which is equal to at least two percent of the total number of votes cast in the district for Governor at the last gubernatorial election. The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the names of their candidates for President and Vice President shall be placed on the official ballot at the next presidential election (§ 115.321).

The Secretary of State shall not accept for filing any petition for the nomination of an independent candidate which is submitted before 8 a.m. on the day immediately following the general election next proceding the general election for which the petition is submitted or which is submitted after 5 p.m. on the first Monday in August immediately preceding the general election for which the petition is submitted (§ 115.329).

B. NAMES ON GENERAL ELECTION BALLOTS

In place of the names of candidates for electors of President and Vice President of any political party or group of petitioners there shall be printed the names of candidates of each political party for President and Vice President. A vote for any of such candidates for President and Vice President shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the Secretary of State (information received from office of Missouri Secretary of State; *see also* §§ 115.317 and 115.321).

C. STATUTORY INSTRUCTIONS

Not later than the third Tuesday before each presidential election, the State committee of each established political party shall certify in writing to the Secretary of State the names of its nominees for presidential elector (§ 115.399). The electors of President and Vice President shall meet and give their votes on the first Monday after the second Wednesday in December following their appointment (3 U.S.C. § 7). The electors are notified of their election, and they assemble at the seat of government by 2:00 p.m. of the day specified by 3 U.S.C. § 7 to perform the duties enjoined upon them by Federal law. If there is a failure to elect, the electors attending at the time and place shall appoint a suitable person or persons to fill the vacancy or vacancies (§ 128.130).

MONTANA

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Every political party that had a candidate for a statewide office who received a total vote that was 5 percent or more of the total votes cast for the successful candidate for Governor at the last general election shall nominate presidential electors and file certificates of nomination for these candidates with the Secretary of State no later than 75 days before the general election and in the manner and number provided by law. The Secretary of State shall certify to the election administrator the names of the candidates for President and Vice President of the several political parties, which shall be printed on the ballot. The names of candidates for electors of President and Vice President may not be printed upon the ballot (Montana Code Annotated, § 13-25-101).

(2) *Independent or minor party candidates*

An individual who desires to run for President or Vice President as an independent candidate or as a candidate of a party which did not receive in an election for a statewide office a total vote that was 5 percent or more of the total votes cast for the successful candidate for Governor at the last general election must file a petition for nomination with the Secretary of State 90 days prior to the date of the general election. The petition must first be submitted, at least one week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification. The petition must have the signatures of electors equal to 5 percent or more of the total votes cast for the successful candidate for Governor at the last general election. The names of the candidates for the required number of presidential electors allowable to Montana shall be certified to the Secretary of State when the petition for nomination is filed (§ 13-10-504).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors or President and Vice President may not be printed on the ballots; only the names of the candidates for President and Vice President should appear on the ballots (§ 13-25-101).

C. STATUTORY INSTRUCTIONS

The electors shall meet in Helena at 2:00 p.m. on the first Monday after the second Wednesday in December following their election. They shall vote by separate ballots for one person for President and one for Vice President. They shall make lists of the persons voted for, indicate the number of votes for each, certify, seal, and transmit the lists as prescribed by United States laws (§§ 13-25-104 and 13-25-105).

NEBRASKA

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

The parties nominate electors for President and Vice President, at the postprimary State conventions of their respective parties, which conventions shall be held on a date fixed by the State central committee of the party, but not later than October 1. The names of the candidates for presidential electors shall be certified to the Governor by the officers of such convention (Revised Statutes of Nebraska, § 32-556). Partisan candidates for the offices of President and Vice President shall be certified to the Governor and the Secretary of State by the national nominating convention as provided by law (§ 32-504).

A party's State central committee shall fix the representation in the State convention for the various counties in the State on the basis of the vote cast for the party's candidate for President at the last preceding presidential election, and shall make appropriate announcement of such action at least 30 days prior to holding county conventions (§ 32-554).

Each county central committee shall fix the representation in the county conventions for the various precincts of the county on the basis of the vote cast for the party's candidate for President at the last preceding presidential election. Each precinct shall be entitled to at least two delegates to the county convention. Each county convention shall select delegates to the State convention (§ 32-551).

(2) *Minor and new parties*

A party which failed to poll at least 5 percent of the entire vote in the State must use the methods prescribed for a newly formed party in order to get its candidates' names upon the primary ballot (§ 32-521).

In order to form a new political party there shall be presented to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for the office of Governor at the most recent general election for such office. The signatures of registered electors on such petitions must be so distributed as to include qualified registered electors totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts. The petitions must be filed with the Secretary of State at least ninety days before any State primary election held under the laws of this State if the new political party desires to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary of that year, such petitions must be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of such petitions to form a new political party, a sample copy of such petitions must be filed with the Secretary of State by the individual, group or association seeking to establish the new party. In addition, the sample petition shall be accompanied by a verified list of the names and addresses of the individual or the members of the group or association sponsoring the petition to form a new political party (§ 32-526(1), Supp.).

Every circulator of a petition shall be not less than the constitutionally prescribed age of an elector, a resident, and a registered voter of the State of Nebraska and of the county wherein the petitioners reside (§ 32-526(3), Supp.).

Clerical and technical errors in a petition shall be disregarded if the forms prescribed are substantially followed (§ 32-526(4), Supp.).

Within ten days after all petitions containing signatures are filed with the Secretary of State, he shall determine the validity and sufficiency of such petitions and signatures. If the petitions to form the new political party are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group or association forming the new political party. Within twenty days after the certification of establishment of the new political party by the Secretary of State, the person, group or association forming the party or its new officers shall file with the Secretary of State the constitution and by-laws of such party along with a certified list of the names and addresses of the officers of the new political party (§ 32-526(5), Supp.).

The petitions to form a new political party shall state the name of the party to be formed, but the name of any then existing political party or any word forming any part of the name of any party then existing shall not be adopted (§ 32-526(6), Supp.).

A new political party established prior to the primary election of that year shall be entitled to have a separate party ballot at the next primary election held thereafter. Such party and its candidates shall be subject to and governed by the statutes governing existing political parties. Candidates for political office may register as members of the new political party and file for office as candidates under the party label of the new political party in accordance with the filing deadlines as established by law (§ 32-526(7), Supp.).

Any person signing any name other than his own to any petition or knowingly signing his name more than once, or who is not, at the time of signing or circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of this section, shall be guilty of a class V misdemeanor (§ 32-526(8), Supp.).

Candidates for the offices of President and Vice President of newly established political parties or of an independent status may obtain general election ballot position by filing with the Secretary of State an application with the following information:

(a) the name or names to be printed on the ballot;

(b) the status of the candidacy, whether independent or partisan;

(c) the written consent of the designated vice presidential candidate to have his or her name printed on the ballot;

(d) a list of names and addresses of the persons to represent the applicant as presidential elector candidates and the written consent of these persons to become candidates; and

(e) a petition signed by qualified voters numbering not less than 2,500. The petitions shall not be circulated until after the date of the primary election in that election year (§ 32-504(2)(c)).

(3) *Independent candidates*

Candidates for the offices of President and Vice President of an independent status may obtain general election ballot position by filing with the Secretary of State an application containing the following information:

(a) the name or names to be printed on the ballot;

(b) the status of the candidacy, whether independent or partisan;

(c) the written consent of the designated vice presidential candidate to have his or her name printed on the ballot;

(d) a list of names and addresses of the persons to represent the applicant as presidential elector candidates and their written consent to become candidates; and

(e) a petition signed by qualified voters numbering not less than 2,500. These petitions shall not be circulated until after the date of the primary election in that election year. Voters who voted in the primary of any political party that held a presidential preference primary that year are ineligible to sign the petitions of an independent candidate for President (§ 32-504).

B. NAMES ON GENERAL ELECTION BALLOT

At least sixty days prior to any general election at which candidates for President and Vice President are to be voted upon by the electors of the State, the appropriate officers of the various national political conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State then takes appropriate steps to place the names of the presidential and vice presidential candidates on the ballot in accordance with provisions of law (§ 32-561).

The candidates of political parties nominated at conventions for presidential elector do not appear on the ballot. In their places appear the names of candidates for President and Vice President grouped together in the space entitled "Presidential Ticket." There is no write-in voting for President (presidential electors) (§ 32-428). The canvass of the votes for candidates for President and Vice President and the return thereof is a canvass and return of the votes cast for presidential electors of the same party or group of petitioners respectively and certificates of election are issued to the electors (§§ 32-4101, 32-4104).

C. STATUTORY INSTRUCTIONS

The electors are issued a certificate of appointment by the Governor directing them to be at the State capitol at noon on the first Monday after the second Wednesday in December and report to the Governor as being in attendance. The electors convene at 2 p.m. on such Monday at the executive office in the capitol and proceed to fill any vacancy in the office of elector. The college of electors proceeds with the election of a President and Vice President and certifies their votes in conformity with the Constitution and laws of the United States (§§ 32-546 to 32-549).

NEVADA

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Candidates for presidential electors are nominated at the same party State convention at which delegates to the national convention are selected (Nevada Revised Statutes, § 293.163). Each political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall, at the State convention of the political party held in that year, choose from the qualified electors, who are legally registered members of such political party, the number of presidential electors required by law and no more, who shall be nominated by the delegates at the State convention. Upon the nomination thereof, the chairman and the secretary of the convention shall certify the names and addresses of such nominees to the Secretary of State, who shall record the names in his office as the presidential elector nominees of that political party (§ 298.020).

(2) *Minor and new parties*

Any organization of registered voters which, at the last general election, polled for its candidates an equivalent of 5 percent of the total vote cast for Representative in Congress, may nominate its candidates in the primary election. To qualify as a political party any organization shall, under a common name or designation, file a petition with the Secretary of State not less than 90 days before any primary election signed by a number of registered voters equal to or more than 5 percent of the entire number of votes cast at the last preceding general election for Representative in Congress, declaring that they represent a political party or principle the name of which is stated in the petition, and that they desire to participate and nominate candidates in the primary election. The names of the voters need not all be on one petition, but each petition must be certified by at least one of its signers to the effect that the signers are registered voters of the State according to his best information and belief (§ 293.128).

(3) *Independent candidates*

A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on September 1 in each year in which a presidential election is to be held, pay a filing fee of $250 and file with the Secretary of State a certificate of candidacy, in which he may also designate his nominee for Vice President. The certificate must be signed by the candidate for President, his nominee for Vice President if designated, and by a number of registered voters equal to not less than 5 percent of the total number of votes cast at the last preceding general election for candidates for Representative in Congress, declaring that they support the candidacy of the designated candidate for President, and his nominee for Vice President if one is designated in the certificate, and requesting that the names of the proposed candidates be placed on the ballot at the general election that year.

The certificate may consist of more than one document and each person signing shall add to his signature the address of the place at which he then resides and the name of the county wherein he is registered to vote. Each certificate must also contain the affirmation of at least one of the signers that all signatures thereon are genuine to the best of his knowledge and belief.

Each independent candidate so nominated for the office of President shall at the time of filing his certificate, or within 10 days thereafter, file with the Secretary of State his written designation of the names of the number of presidential electors then authorized by law, whom the independent candidate desires to act as his electors, all of whom must then by registered voters. Immediately following receipt of each candidate's written designation of his nominees for electors, the Secretary of State shall record them in his office as the nominees for presidential electors of that independent candidate (§ 289.109).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for elector are not printed on the ballot. In the general election only the names of the candidates of the respective parties for President and Vice President are printed on the ballot, but the presidential elector nominees of the political party whose candidates for President and Vice President receive the highest number of votes shall be deemed the elected presidential electors and there after they shall perform the duties of presidential electors required by law and the Constitution of the United States (§ 298.025).

C. STATUTORY INSTRUCTIONS

The presidential electors so chosen shall convene at the seat of government on the 1st Monday after the second Wednesday in December next after their election, at 2:00 p.m., or on such other date the Congress of the United States may by law hereafter provide (§ 298.030). The presidential electors, when convened, shall vote by ballot for one person for President and one person for Vice President, one of whom, at least, shall not be an inhabitant of the State. The presidential electors shall vote only for the nominees for President and Vice President of the party that prevailed in the State in the preceding general election (§ 298.050).

NEW HAMPSHIRE

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Not earlier than the third Tuesday of September following any primary and not later than the last Tuesday of October, upon the call of the chairman of the State committee of the party, the nominees of each party for the offices of Governor, councilors, State senators, county officers, representatives, and State delegates elected shall meet in State convention for the purpose of nominating presidential electors nominated by the convention shall be certified to the Secretary of State by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the Secretary of State shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties (New Hampshire Revised Statutes Annotated, § 667:21).

(2) *Minor and new parties*

As an alternative to nomination by party primary, a candidate may have his name placed on the ballot by submitting the requisite number of nomination papers. This alternative would appear to apply to political organizations which at the preceding State general election received less than 3 percent of the total number of votes cast for the office of Governor (§§ 652:11 and 655:40). For candidates for President and Vice President 3,000 names of legal voters are required, and 1,500 signatures from each congressional district are required in obtaining the requisite 3,000 (§ 655:42). The nomination papers are to be filed with the Secretary of State no later than 5:00 p.m. on the Wednesday three weeks before the primary (§ 655:43).

Independent candidates have to submit nomination papers as an alternative to nomination by party primary. The nomination papers must contain 3,000 names, of which 1,500 must be from each congressional district. The nomination papers are to be filed with the Secretary of State no later than 5:00 p.m. on the Wednesday three weeks before the primary (§ 655:40–§ 655:43).

B. NAMES ON GENERAL ELECTION BALLOTS

The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for President and Vice President shall be printed under the designation "Electors of President and Vice President of the United States." If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party (§ 656:4). In the case of electors of President and Vice President, one square shall be placed on the ballot opposite the designation "Electors of President and Vice President of the United States" (§ 656:8).

C. STATUTORY INSTRUCTIONS

The electors of the President and Vice President shall meet in the State House in Concord on the day fixed by law and by 12:00 o'clock at midday shall give notice to the Governor and council of the number of electors present who accept the office (§ 660:27). The electors shall give their votes for President and Vice President on said day and shall proceed according to law (§ 660:29).

NEW JERSEY

Presidential Electors: 16

A. NOMINATION

(1) *Major parties*

In presidential years the State committee of a political party shall meet at the call of its chairman, within 1 week following the closing of the party's national convention, for the purpose of nominating candidates for electors of President and Vice President. The State committee shall certify such nomination in a written or printed certificate of nomination (New Jersey Statutes Annotated, § 19:13–15).

(2) *Minor and new parties*

A political party which fails to poll at any primary election at least 10 percent of the votes cast in the State for members of the general assembly at the next preceding general election shall not be entitled to have a party column on the official ballot at the ensuing election for which the primary election was held. In such a case the names of the candidates so nominated at the primary election shall be printed in the column designated "nomination by petition", followed by the designation of the political party of which the candidates are members (§ 19:5–1).

Nomination petitions shall be signed by qualified voters of the State, equal in number to 2 percent of the entire vote cast for members of the general assembly at the last preceding general election, except that no more than 800 signatures are required for officers to be elected by the State at large (§ 19:13–5).

Petitions nominating electors of President and Vice President may contain the names of candidates for President and Vice President for whom such electors are to vote (§ 19:13–4).

(3) *Acceptance*

A candidate nominated by petition shall sign a written acceptance thereof under oath, which shall be attached to the nomination petition (§ 19:13–8).

(4) *Oath of allegiance*

Attached to the nomination papers shall also be the oath of allegiance, stating that the candidate does not believe in the use of force or other unlawful or unconstitutional means to overthrow or make any change in the government established in the United States or in the State (§ 19:13–8). Nominating petitions with attachments should be filed with the Secretary of State at least 54 days before the primary (§ 19:13–9).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be elected, their names shall not be printed upon the ballot, either paper or voting machine, but in lieu thereof, the names of the candidates of their respective parties or political bodies for President and Vice President of the United States shall be printed together in pairs under the title "Presidential Electors for." All ballots marked for the candidates for President and Vice President of a party or political body shall be counted as votes for each candidate for presidential elector of such party or political body (§ 19:14–8.1).

C. STATUTORY INSTRUCTIONS

The electors shall convene at the Statehouse at Trenton on the day appointed by Congress for that purpose and proceed, after choosing their officers, to perform the duties required of them by the Constitution and laws of the United States (§§ 19:36–1 to 36–3).

NEW MEXICO

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

On or before June 1 of each year in which the President and Vice President of the United States are to be elected, the Secretary of State shall send written notice to the State chairman of each qualified political party in New Mexico setting forth the method and requirements for nominating and electing presidential electors at the general election (New Mexico Statutes Annotated, § 1–15–1). Presidential electors shall not be nominated at the primary election (§ 1–15–2). Any qualified political party in New Mexico desiring to have candidates for President and Vice President on the general election ballot in a presidential election year shall, at a State party convention held in the year of the election, choose from the voters of the party the number of presidential electors required by law and no more. The presidential electors shall be nominated by the State convention according to the rules of that party on file with the Secretary of State. Upon the nomination of presidential electors, the chairman and secretary of the convention shall certify the names and addresses of the nominees not less than fifty-six days before the election to the Secretary of State (§ 1-15-3).

(2) *Minor parties and new parties*

To qualify as a political party in New Mexico, each political party through its governing body shall adopt rules and regulations providing for the organization and government of that party and shall file the rules and regulations with the Secretary of State. Such rules and regulations shall be adopted uniformly throughout the State by the county organizations of that party and shall be filed with the county clerks. Each county political party organization may adopt such supplementary rules and regulations insofar as they do not conflict with the uniform State rules and regulations or do not abridge the lawful political rights of any person. Such supplementary rules shall be filed with the county clerk and the Secretary of State in the same manner as other rules are filed.

Beginning with the general election in 1976, if two successive general elections are held without at least one candidate from the qualified political party on the ballot, the party will no longer be considered "qualified" for purposes of the election code. After giving notice by registered mail to the State chairman of the party at his last known address, the Secretary of State shall remove all material dealing with the political party from his file of parties qualified in New Mexico. The Secretary of State shall then notify all county clerks of the removal and nonqualification of the political party. The county clerk is then authorized to remove such rules and regulations from the county files. The county clerk shall immediately notify by mail all voters registered as members of such party of the removal and nonqualification of the party. To requalify, the party must again comply with the provisions of the election code dealing with filing requirements for political parties (§ 1-7-2).

The Secretary of State and the county clerk shall not accept the rules and regulations of any political party for filing unless such rules and regulations provide:

(a) a method for nominating candidates for the general election;

(b) a method for calling and conducting conventions;

(c) a method for selection of delegates to conventions;

(d) a method for selection of State central committee members;

(e) a State chairman and other party officers, and all other members of governing bodies of the party;

(f) a method for filling vacancies in party offices, committees and other governing bodies;

(g) the powers and duties of party officers, committees and other governing bodies;

(h) for the structure of the State and county party organizations;

(i) that meetings to elect any party officers, including delegates, shall be held at a public place during the week specified by the State party chairman;

(j) that notice of such meetings shall be published by the officers of the county party organization in a newspaper of general circulation at least 14 days prior to the meeting and the notice shall specify the time, date and place for holding the meeting; and

(k) a method for amending the party rules and regulations (§ 1–7–3).

Each political party shall file its rules and regulations within thirty days after its organization and at least seventy-one days before any election in which it is authorized to participate (§ 1–7–4).

Upon the nomination of presidential electors, the chairman and secretary of the convention shall certify the names and addresses of the nominees not less than fifty-six days before the election to the Secretary of State. The Secretary of State shall record the nominees' names in his office as the presidential elector nominees of that party (§ 1–15–3).

(3) *Independent candidates*

Nomination as an independent candidate shall be made by filing a declaration of independent candidacy and a nominating petition signed by a number of voters equal to at least 3 percent of the total number of votes cast in each of at least fifteen counties in the State and not less than 5 percent of the total number of votes cast in the State. The Secretary of State shall prescribe and furnish the form for the declaration of independent candidacy for the offices of President and Vice President (§§ 1–8–48 and 1–8–51(B)).

Persons filing declarations of independent candidacy for President shall also file the names and addresses of the required number of presidential electors who intend to vote for the independent candidate in the Electoral College (§ 1–8–49).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the presidential elector nominees chosen at a State convention shall not be placed upon the general election ballot. The Secretary of State shall certify to the various county clerks for inclusion upon the general election ballot the names of the persons nominated by each political party for the offices of President and Vice President. The names of nominees for President and Vice President for each political party shall be printed together in pairs upon the general election ballot. A vote for any such pair of nominees shall be a vote for the electors of the political party by which such nominees were named. "The presidential elector nominees of the party whose nominees for President and Vice President of the United States receive the highest number of votes at the general election shall be deemed the elected presidential electors . . ." (§ 1–15–4).

C. STATUTORY INSTRUCTIONS

Presidential electors for the State shall perform the duties of the presidential electors required by law and the Constitution of the United States.

Presidential electors of the State shall meet at 11:00 a.m. in the office of the Secretary of State on the day fixed by the laws of the United States for presidential electors to cast their ballots for President and Vice President of the United States. At such meeting the presidential electors shall organize by choosing a presiding officer and a secretary. If the full number of electors required by law are not present at such meeting for any reason, those presidential electors present shall, from a list of names nominated by the State chairman of that party, forthwith choose electors from the voters of the State party.

The presidential electors of the State shall meet at noon in the office of the Secretary of State on the day fixed by the laws of the United States for presidential electors to cast their ballots for President and Vice President and shall proceed to vote by ballot for President and Vice President of the United States and to certify the results of such election in accordance with Constitution and laws of the United States. The presidential elector chosen as secretary shall keep a journal of the proceedings and deposit the journal in the office of the Secretary of State, where it shall be kept on file. All presidential electors shall cast their ballots in the electoral college for the candidates of the political party which nominated them as presidential electors.

Any presidential elector who casts his ballot in violation of the provisions is guilty of a fourth degree felony (§§ 1–15–5 to 1–15–9).

NEW YORK

Presidential Electors: 36

A. NOMINATION

(1) *Major parties*

Nominations of candidates for the office of elector of President and Vice President of the United States, one for each congressional district and two at large, shall be made by the State committee (New York Election Law (McKinney's), § 6–102).

(2) *Minor and new parties*

A political group which at the last preceding gubernatorial election did not poll at least 50,000 votes must make its nominations as an "independent body" (§ 1–104 (3), (12)).

When an "independent body" becomes a political party by polling at least 50,000 votes for Governor, nominations shall, prior to and including the first general election thereafter, be made as provided by the rules of the party. A certificate of the nominations containing information on its candidates and the party, plus a copy of its rules, shall be signed by the presiding officer and the secretary and filed not later than seven weeks preceding the general election in the office of the State board of elections if for an office to be voted for in a district greater than one county (§§ 6–128, 6–144).

(3) *Independent candidates*

A person may become a candidate of an independent body by filing a petition in the office of the State board of elections (§§ 6-138, 6-144).

An independent nominating petition for candidates to be voted for by all the voters of the State must be signed by at least 20,000 voters, of whom at least 100 shall reside in each of one half of the congressional districts of the State (§ 6-142).

A person designated as a candidate for nomination or for party position, or nominated for an office, otherwise than at a primary election, may, in a certificate signed and acknowledged by him, decline the designation or nomination. However, if designated or nominated for a public office other than a judicial office by a party of which he is not a duly enrolled member or if designated or nominated for a public office other than a judicial office by more than one party or independent body or by an independent body alone, the person shall in a certificate signed and acknowledged by him accept the designation or nomination as a candidate of each party or independent body other than that of the party of which he is an enrolled member; otherwise, the designation or nomination shall be null and void (§ 6-146).

B. NAMES ON GENERAL ELECTION BALLOTS

In voting for presidential electors, a voter may vote a write in ballot made up of the names of persons in nomination by different parties, or partially of names of persons in nomination by one or more parties and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party (§ 8-308). The county board of elections shall publish at least six days before an election a list containing the name and residence of every candidate for public office, except those for the office of presidential electors and city officers, to be voted for within its jurisdiction. The candidates for the office of presidential electors shall only be described as a specific number of electors, nominated to support the party candidates, naming them, for the office of President and Vice President (§ 4-122). In the case of ballots for presidential electors, clerks or inspectors shall enter on their tally sheet in the appropriate places the number of void and the number of wholly blank ballots and shall tally the votes upon the split ballots. When all the votes for presidential electors shall have been canvassed, the tally shall be verified by clerks or inspectors (§ 9-118). The board of elections shall transmit by mail or cause to be delivered personally to the State board of elections a certified copy of the statement of the canvassing board relating to the offices of electors of President and Vice President (§ 9-214).

C. STATUTORY INSTRUCTIONS

The electors shall convene at the State capitol on the first Monday after the second Wednesday in December next following their election. They shall organize and then name in separate ballots the persons voted for as President and Vice President (§§ 12-104, 12-106).

NORTH CAROLINA

Presidential Electors: 13

A. NOMINATION

(1) *Major parties*

On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party. One presidential elector shall be nominated from each congressional district and two from the State at large (General Statutes of North Carolina, § 163-1(c)).

(2) *Minor and new parties*

A minor party, or one which had failed to poll for its candidate for Governor or for presidential electors, at least 10 percent of the entire vote cast for such officers at the last preceding general election, would have to reorganize in the same manner as is required to create a new party (§ 163-96). Any group may form a new party by filing a petition setting forth its intention to organize a new statewide party with the State board of elections on or before June 1 preceding the general election, signed by registered and qualified voters equal in number to 2 percent of the total number of voters who voted in the most recent general election for Governor (§ 163-96). Nominees of this group for State, congresssional and national offices only for the first general election after its organization must be furnished to the board by July 1 prior to the general election. Such nominations shall be made at a nominating convention (§ 163-98). Presidential electors are not to be nominated by primary election but are to be nominated by a State convention unless otherwise provided by the plan of organization of the political party (§ 163-1(c)).

(3) *Independent candidates*

A nominating petition, accompanied by the affidavit of the candidate that he seeks the independent nomination and is not affiliated with any political party, should be filed with the State board of elections on or before the last Saturday in May. Such petition should be signed by qualified voters equal in number to at least 10 percent of those who voted for Governor in the last gubernatorial election in the same political division (§ 163-122). Candidates for presidential electors cannot be nominated by this method.

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors of President and Vice President of any political party shall not be placed on the ballot but shall be filed with the Secretary of State. The names of the candidates for President and Vice President are placed on the ballot. A vote for such candidates, however, shall be counted as a vote for the electors of the party by which such candidates were named (§§ 163-140, 163-209).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the capitol in Raleigh at noon on the first Monday after the second Wednesday in December next after their election and give their votes on behalf of the State for President and Vice President (§ 163-210).

On or before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Administrator of General Services a certificate under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. At the same time he shall deliver to the electors six duplicate-originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within forty-eight hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice President of the United States (§ 163-210).

Any presidential elector having previously signified his consent to serve as such, who fails to attend and vote for the candidate of the political party which nominated such elector for President and Vice President of the United States at the time and place indicated above (except in case of sickness or other unavoidable accident) shall forfeit and pay to the State $500, to be recovered by the Attorney General in the Superior Court of Wake County. In addition to such forfeiture, refusal or failure to vote for the candidates of the political party which nominated such elector shall constitute a resignation from the office of elector, his vote shall not be recorded, and the remaining electors shall forthwith fill such vacancy as hereinbefore provided (§ 163-212).

NORTH DAKOTA

Presidential Electors: 3

A. NOMINATION

(1) Major parties

State party conventions are to nominate the legal number of candidates for their parties for the offices of presidential electors (North Dakota Century Code, § 16.1-03-14). The names of the candidates nominated for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State to be placed upon the general election ballot (*ibid.*).

All nominations made by a convention are to be certified. And the certificate is to be delivered by the secretary or the president of the convention by registered or certified mail to the Secretary of State (§ 16.1-13-17).

(2) *Minor and new parties*

A party which cast 5 percent of the total votes cast for Governor at the last general election may participate in the primary (§ 16.1-11-30(3)).

Other parties must file with the Secretary of State a petition signed by 7,000 or more electors of the State, on or before the fifty-fifth day prior to a primary election asking that a ballot be provided for such party, naming it and stating the platform principles thereof. Candidates of such party shall be entitled to the same rights and privileges as those of other parties (§ 16.1-11-30(4)).

Such parties shall hold conventions at a time and place designated by the party State committee and nominate presidential electors

(3) *Independent candidates*

In order to have his name appear in the "independent nominations" column on the general election ballot, the candidate must file a certificate of nomination by petition with the Secretary of State. The certificate of nomination for an office to be filled by qualified electors of the entire State must contain 1,000 signatures (§ 16.1-12-02). The certificate of nomination for presidential electors may contain the names of more than one nominee (§ 16.1-12-03). The certificate of nomination is to be filed with the Secretary of State by 4 p.m. on the sixtieth day before the general election (§ 16.1-12-041).

B. NAMES ON GENERAL ELECTION BALLOTS

In presidential election years the ballot provided for in section 16.1-06-05 shall include the designation of the office of President and Vice President as the first listing of the continuous listing of the designation of each office to be voted for. The names of presidential electors, presented in one certificate of nomination, shall be arranged in a group enclosed in brackets under the designation of the office of President and Vice President. To the right and opposite the center of each group of electors' names shall be printed in bold type the surname of the presidential candidate represented and in line with such surname shall be placed a single square. A mark within such square shall be designated as a vote for all the electors. The appropriate party designation shall appear, in smaller type, under the surname of the presidential candidate represented (§ 16.1-06-07.1).

C. STATUTORY INSTRUCTIONS

The electors shall meet at one o'clock p.m. in the office of the Governor in the State Capitol on the first Monday after the second Wednesday in December next following their election for the purpose of casting their ballots. The Secretary of State shall notify the electors of said meeting. They must fill any vacancy in the office of elector by ballot by a plurality of votes (§§ 16.1-14-04, 16.1-14-05).

OHIO
Presidential Electors: 23

A. NOMINATION

(1) *Major parties and minor parties*

Candidates for presidential elector are nominated by State conventions at a time and place determined by the State committees of the respective political parties (Ohio Revised Code, title 35, § 3513.11).

Names of a party's candidates for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State within 5 days after the holding of the convention.

A political party is defined as any group of voters which, at the last preceding regular State election, polled for its candidate for Governor in the State or nominees for presidential electors at least 5 percent of the entire vote cast for such office or which filed with the Secretary of State, subsequent to any election in which it received less than 5 percent of such vote, a petition signed by qualified electors equal in number to at least 1 percent of the total vote for Governor or nominees for presidential electors at the last preceding election, declaring their intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the next succeeding primary election, held in even-numbered years, that occurs more than one hundred twenty days after the date of filing. No such group of electors shall assume a name or designation which is similar, in the opinion of the Secretary of State, to that of an existing political party as to confuse or mislead the voters at an election. When any political party fails to cast 5 percent of the total vote cast at an election for the office of Governor or President it shall cease to be a political party (§ 3517.01, Supp.). When such petition is filed with the Secretary of State, the new party comes into legal existence on the date of filing. New parties are entitled to hold a primary election, held in even-numbered years that would occur more than 120 days after the date of the filing of the petition (§ 3517.012).

(2) *Independent candidates*

Independent candidates for President and Vice President are to file a joint candidates' statement and one nominating petition for the two of them.

The nominating petition of independent candidates for the offices of President and Vice President of the United States shall be signed by at least five thousand qualified electors, provided that no petition shall be accepted for filing if it purports to contain more than fifteen thousand signatures, and must be accompanied by a slate of presidential electors (§ 3513.257, Supp.). The nominating petition and the joint candidates' statement must be filed with the Secretary of State no later than 4:00 p.m. of the seventy-fifth day before the day of the general election (*id.*).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors of President and Vice President shall not be placed on the ballot. In place of their names there shall be printed on the ballot the names of the candidates for President and Vice President, respectively. A vote for any of such candidates shall be a vote for the electors whose names have been certified to the Secretary of State and who are members of the same political party (§ 3505.11, Supp.).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the State capitol, organize, and discharge all the duties enjoined upon electors by the Constitution and laws of the United States (§ 3505.39).

A presidential elector elected at a general election shall, when discharging the duties enjoined upon him by the Constitution or laws of the United States, cast his electoral vote for the nominees for President and Vice President of the political party which certified him to the Secretary of State as a presidential elector pursuant to law (§ 3505.40).

OKLAHOMA

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

The nominees for presidential elector "of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party" and must be certified by the State chairman to the secretary of the State election board no fewer than 90 days nor more than 180 days prior to the election (Oklahoma Statutes Annotated, title 26, § 10-101).

A "recognized political party" is defined to include those parties with candidates on the 1974 general election ballot, and "those parties which shall be formed according to law" (26 §§ 1-107, 1-108).

A party ceases to be a "recognized party" when its nominee for Governor or nominees for electors for President and Vice President fail to receive at least ten percent (10%) of the vote cast for said offices (26, § 1-109).

(2) *Minor and new parties ("not recognized" political parties)*

The names of a slate of candidates for the office of presidential elector pledged to the nominee of a political party not recognized under the laws of the State of Oklahoma for President of the United States shall be printed on the ballot only by observing the following procedure:

1. No later than July 15 of a presidental election year, petitions signed by a number of registered voters supporting the candidacy of said nominee for President of the United States equal to at least three percent (3%) of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. Notice of intention to circulate petitions shall be filed with the Secretary of the State Election Board before such petitions may be circulated. The form of said petitions shall be presented by the Secre-

tary. Each page of said petitions must contain the names of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.

3. If the petitions are found to be sufficient, the nominee for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate. Each candidate for presidential elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's Vice Presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15 (26, § 10–101.2, Supp.).

(3) *Independent candidates*

Slates of uncommitted electors and electors pledged to independent candidates can qualify for a position on the ballot by filing a petition with the Secretary of the State Election Board by July 15. These petitions must be signed by a number of registered voters equal to 3 percent of the vote cast in the last presidential election. If the State Election Board determines that the petitions are sufficient, the candidate must certify the names of his running mate and the electors pledged to his candidacy (26, §§ 10–101, 10–101.1).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors are bracketed adjacent to the names of the candidates for President and Vice President to whom they are pledged (26, § 10–105).

C. STATUTORY INSTRUCTIONS

Electors committed to a candidate or the candidate of a party must take an oath to cast their ballots for the candidates on whose slate they run (26, § 10–102). Violation of the oath is a misdemeanor punishable by a fine of not more than one thousand dollars (26, § 10–109). Electors are to meet at 10:00 a.m. of the day appointed by Congress in the office of the Governor to perform such duties as required by law, including filling any vacancy in the office of electors (26, §§ 10–107, 10–108).

OREGON

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

Major party is defined as a political party which "polled for its candidates for presidential electors at the last general election, at least 20 percent of the entire vote cast for that office" (Oregon Revised Statutes, § 248.006). Each major political party shall select [manner not specified] a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this State is entitled in Congress (§ 248.355). The party shall certify the names of the candidates for elector to the Secretary of State at least 70 days prior to the presidential election (§ 248.355).

(2) *Minor and new parties*

A minor party is defined as a party which received for one of its candidates in the last statewide election a number of votes equal to 5 percent of the total vote cast in the electoral district for which the nomination is made for all candidates for Representative in Congress at the last general election (§ 248.008). Such parties may nominate candidates for presidential electors by filing a certificate of nomination with the Secretary of State signed by the presiding officer and secretary of a nominating convention of the party containing the names, addresses, and offices for which nominated, the name of the party, and in the case of presidential electors the names of the candidates they represent may be added (§ 249.720). Certificates should be filed no later than 70 days prior to the election (§ 249.722).

(3) *Independent candidates*

Independent candidates may be nominated by an assembly of electors or by petition. An assembly of electors is an organized body of not less than 1,000 electors of the State for a statewide nomination (§ 249.735-(1)). Notice must be given at least 10 days prior to the assembly in three newspapers of general circulation and must include the names of at least 25 sponsors. Signatures must be certified by the appropriate county clerks (§ 249.735(2)-(5)). A certificate of nomination must be filed with the Secretary of State no later than the 70th day prior to the general election (§ 249.722). The county clerk is to certify the minutes of the assembly, and such certificate of the county clerk is to be filed along with the certificate of nomination (§ 249.735(6)).

A certificate of nomination by petition must be in essentially the same form and accompanied by a petition signed by a number of registered voters, signatures certified by the county clerks, equal in number to 3 percent of the vote cast in the last presidential election (§ 249.740). Certificates of nomination by assembly or petition must be filed not later than the 70th day prior to the election (§ 249.722).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for President and Vice President of the United States are printed in groups together, under their political party designations. Each vote for candidates for President and Vice President shall be counted as one vote for the group of presidential electors supporting the candidates for President and Vice President designated by the voter as his choice (§ 254.135).

C. STATUTORY INSTRUCTIONS

Each elector shall at the time of his selection sign a pledge that, if elected, he will vote in the Electoral College for the candidates of his party for President and Vice President (§ 248.355). Such pledges are to be filed with the Secretary of State at least 70 days before the presidential election (*ibid.*). The duties of electors as defined by statute are:

The electors of President and Vice President shall convene at noon at the State capitol on the first Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States (§ 248.370).

PENNSYLVANIA

Presidential Electors: 25

A. NOMINATION

(1) *Major parties*

The names of each political party for the office of President shall within 30 days after his nomination by the national convention, nominate as many persons to be the candidates of his party for the office of presidential elector as the State is entitled to. Names of such persons shall be certified immediately by the nominee to the Secretary of the Commonwealth. If the candidate for the office of President fails to so nominate, then the party's nominee for Vice President shall make the nominations (Pennsylvania Statutes Annotated, title 25, § 2878).

(2) *Minor party or new party or independent candidate*

Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State, and shall nominate all its candidates by procedures similar to major parties (§ 2831).

All nomination papers circulated and filed by minor political parties shall specify—(1) the name or appellation of the minor political party which the candidates nominated thereby represent and, in the case of electors for President and Vice President of the United States, the names of the candidates for President and Vice President of such minor political party; (2) the name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence with street and number, if any; and (3) the office for which such candidate is nominated. No words shall be used in any nomination paper to designate the name or appellation of the minor political party represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any minor political party which has already filed nomination papers for the same office (§ 2872.2).

Candidates of political bodies which do not qualify as political parties should file nomination papers with the Secretary of the Commonwealth (§§ 2911(a), 2913(a)). More than one candidate may be nominated by one nomination paper. Signatures are required of electors equal in number to 2 percent of the largest entire vote cast for any elected candidate in the State in the last preceding general election (§ 2911(b)(c)). A filing fee of $200 shall be paid to the Secretary of the Commonwealth (§ 2873). Nomination papers for "political bodies" may contain nominations for presidential electors and the names of candidates for President and Vice President of such "political bodies" (25, § 2912). All nomination papers are to be filed with the Secretary of the Commonwealth on or before the second Friday subsequent to the primary election (April 26, 1988). The filing deadline in 1988 is May 6, 1988. Affidavit of each candidate for presidential elector should be attached to nomination papers, stating *inter alia* he is eligible for office for which he consents to be a candidate, that he will not violate the law concerning corrupt election practices, and that his name has not been presented as a candidate to run in the primary (§ 2911(e)).

B. NAMES OF GENERAL ELECTION BALLOTS

The names of electors shall not be printed on the ballot, but in lieu thereof, the names of candidates of their respective parties for President and Vice President (§ 2963(c)). Write-ins for electors are permitted (§ 2963(a)). Votes are counted for electors either as a group or as individuals and certificates of election are issued by the Secretary of the Commonwealth (§ 3166).

C. STATUTORY INSTRUCTIONS

The electors shall assemble at the seat of government of the Commonwealth at noon on the day which is or may be directed by the Congress of the United States and perform the duties enjoined upon them by the Constitution and laws of the United States (§ 3192). Vacancies are filled by voice vote of those electors present (§ 3193).

RHODE ISLAND

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Electors are nominated at a State convention of delegates representing a political party (General Laws of Rhode Island, § 17-12-13).

There shall be held not later than October 14 of every even year a State convention for each political party. The nominees of a party for Senator and for Representatives in Congress, for the five general offices, and for membership in the general assembly shall be delegates to the State convention of said party. In presidential election years, such conventions shall select the party nominees for presidential electors and their names shall be placed on the ballot lables for the forthcoming election. Such State convention shall also be for the purpose of adopting a platform for its party and for the transaction of such other business as may properly come before said convention (§ 17-12-13).

(2) *Minor and new parties*

A minor party is one which at the preceding general election failed to nominate a candidate for Governor or which did nominate such candidates but whose candidates failed to poll at least 5 percent of the entire vote cast in the State for Governor in said election (§ 17-1-2(f)). Candidates of minor parties shall be nominated by the same procedure as for independent candidates.

(3) *Independent candidates*

Independent and minor party candidates are required by statute to file a declaration of candidacy with the Secretary of State during the first 10 days in June (§ 17-16-1). Candidates for presidential elector are furnished nomination papers by the Secretary of State (§§ 17-16-3, 17-16-4). Nomination papers must be signed by 1,000 voters, each county of the State being represented by at lest 25 signatures with separate signature sheets for each city and town (§§ 17-16-8, 17-16-9). Nomination papers must be filed with the Secretary of State no later than 10 days before the primary, which is held on the second Tuesday after the first Monday in September, (§§ 17-15-1, 17-16-12). Nomination papers must be submitted to local election boards for certification of signatures at least 5 days before the filing deadline (§ 17-16-11).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President appear on the voting machine with a single lever for voting for the slate of electors (§ 17-19-3(d)). Absentee ballots list only the presidential and vice presidential candidates (§ 17-20-17).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the statehouse in Providence on the first Monday after the second Wednesday in December and proceed to perform the duties required of such electors by the Constitution and the laws of the United States. Vacancies are filled by plurality vote of those present (§ 17-4-11).

SOUTH CAROLINA

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated by the respective party State committees, composed of one member from each county, elected by the party county conventions, plus the State chairman and State vice chairman who are elected by a party's State convention (Code of Laws of South Carolina, § 7-9-90).

(2) *Minor or new parties*

Political parties desiring to nominate candidates for offices to be voted on in a general or special election shall, before doing so, have applied to the State Election Commission (Commission) for certification as such. Parties shall nominate candidates of that party on a regular basis, as provided in this title, in order to remain certified. Any certified political party that fails to organize on the precinct level as provided by § 7-9-50, hold county conventions as provided by §§ 7-9-70 and 7-9-80, and hold a State convention as provided by § 7-9-100; that fails to nominate candidates for national, State, multicounty district, countywide, or less than countywide office by convention or party primary as provided by §§ 7-11-20, 7-11-30, and 7-13-40; and that fails to certify the candidates as provided by §7-13-350 in at least one of two consecutive general elections held on the first Tuesday following the first Monday in November of an even-numbered year, or that fails to nominate and certify candidates in any other election which might be held within the period of time intervening between the two general elections, must be decertified by the State Election Commission. The party must be notified in writing of its decertification at the last address of record. If the notification of decertification is returned as undeliverable, it must be placed on file in the office of the State Election Commission and with the Secretary of State. Any decertified party or any noncertified party, organization, or association may obtain certification as a political party at any time by filing with the Commission a petition for the certification signed by ten thousand or more registered electors residing in this State, giving the name of the party, which must be substantially different from the name of any other party previously certified (§ 7-9-10, Supp.).

Nomination of candidates for the offices of presidential electors are to be made by the party State committees (§ 7-9-90).

(3) *Independent candidates*

A candidate's nominating petition for any office in this State shall contain the signatures of at least five percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate is required to furnish the signatures of more than ten thousand qualified registered electors for any office. The official number of ten thousand electors of the geographical area of any office must be the number of registered electors of such area registered one hundred twenty days prior to the date of the election for which the nomination petitions is being submitted. The petition must be certified to the State Election Commission in the case of national, State, circuit, and multicounty district offices (§ 7-11-70, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President are printed on the ballot. A vote for the names of a political party's candidates for President and Vice President is a vote for the electors of that party, the names of whom are on file with the Secretary of State (§§ 7-13-320(c), 7-19-70, Supp.).

C. STATUTORY INSTRUCTIONS

Those persons, to the number required to be chosen, having the highest number of votes shall be declared and deemed duly appointed electors (§ 7-19-70). The presidential electors shall meet at 11:00 a.m. on the first Monday after the second Wednesday in December in the office of the Secretary of State, effect a permanent organization, fill any vacancies by a plurality, cast their ballots for President and Vice President, and make distinct lists for all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes received for each (§ 7-19-90). Each candidate for elector shall declare which candidate for President and Vice President he intends to vote for if elected. Any registered elector has the right to institute an action to enforce the requirement of the statute that the elector shall vote as declared and there are criminal sanctions. A State party executive committee may release electors pledged to support the candidate of their party when, in the judgment of the committee, it would not be in the best interest of the State for the elector to cast his ballot for such a candidate (§ 7-19-80).

SOUTH DAKOTA

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated at State conventions of the respective parties (South Dakota Compiled Laws, § 12-5-21). The time for holding such conventions shall be determined by the State central committee of each party (§ 12-5-17). Nominations shall be certified to the Secretary of State by officers of the convention, immediately at the close of the convention (§ 12-5-22). Certificates must be filed or mailed by registered mail by the second Tuesday in August at 5:00 p.m. (§ 12-8-6).

(2) *Minor and new parties*

A new political party may be organized and participate in the primary election, except the presidential primary election by filing with the Secretary of State not later than the first Tuesday of April at five o'clock p.m. prior to the date of the primary election, a written declaration signed by at least two and one-half percent of the voters of the State as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

(1) The name of the proposed party; and

(2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election. A new political party may participate in a presidential primary election by complying with the requirements of this section no later than the last Tuesday of December at five o'clock p.m. prior to the date of the presidential primary election (§ 12-5-1, Supp.).

All political parties organized to participate in primary elections under 12-5-1 shall nominate candidates for presidential elector at their State convention (§§ 12-5-2; 12-5-21). Candidates affiliated with a party that does not participate in the primary may qualify for the ballot in the same manner as an independent candidate (§ 12-7-1).

(3) *Independent candidates*

A person may become an independent candidate by filing a certificate of nomination with the Secretary of State signed by a number of voters equal to 1 percent of the total vote cast in the last gubernatorial election. The certificate must be filed not earlier than May 1 at 8:00 a.m. and not later than 5:00 p.m. on the first Tuesday in August (§ 12-7-1). An independent candidate for President shall file a declaration of candidacy and certification of his selection for Vice President with the Secretary of State prior to circulation of any nomination petitions (*id.*).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors are listed below the surnames of the candidates for President and Vice President for whom they are pledged. A box precedes the names of the presidential and vice presidential candidates (§ 12-16-6).

C. STATUTORY INSTRUCTIONS

Electors shall meet at the seat of government on the day preceding the day fixed by Congress to elect a President and Vice President, and then and there discharge the duties enjoined upon them as such by the Constitution and laws of the United States and this State (§§ 12-24-1, 12-24-3).

TENNESSEE

Presidential Electors: 11

A. NOMINATION

(1) *Major parties*

For each congressional district there shall be elected one elector who is a resident of the district and two electors are elected at large (Tennessee Code Annotated, § 2-15-102). Electors are chosen according to the rules of the political parties. Only statewide political parties appear on the ballot in elections for an office to be voted on by voters of more than one county (§ 2-13-101). A "statewide political party" is defined as a party at least one of whose candidates for an office to be elected by the voters of the entire State in the past four calendar years received a number of votes equal to five percent of the vote cast in the last gubernatorial election (§ 2-1-104(28)(A)). New political parties formed by petition in the manner described below qualify as "statewide political parties" for one year (§ 2-1-104(28)(B)).

(2) *New parties*

New parties may qualify by filing a petition signed by registered voters, acknowledging membership, in numbers equal to two and one half percent of the vote cast in the last gubernatorial election. The petition is to be filed with the State coordinator of elections, and the signatures must be certified by the county election commissions (§ 2-1-104(28)(B)).

The first State executive committee of a new political party shall be elected at a State convention after it becomes a "statewide political party." Their names must be certified to the coordinator of elections at least 90 days prior to the August election (§ 2-13-107).

(3) *Independent candidates*

Candidates who are not to be placed on the ballot as nominees of a qualified political party are listed as "independent candidates." Such candidates qualify by filing nominating petitions with the State coordinator of elections no later than twelve noon on the first Thursday in the second calendar month prior to the general election (§ 2-5-101). Such petition must be signed by the candidate and twenty-five (25) electors qualified to vote for the office (§ 2-5-101(b)).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of presidential electors are grouped according to parties "and preceded by the words, 'Electors for (giving the name) candidate for President and for (giving the name) candidate for Vice President so that the voter can vote for the entire group of electors chosen by any political party by making a cross mark (X) or operating a single lever on a voting machine" (§ 2-5-208).

C. STATUTORY INSTRUCTIONS

The electors are to meet at the seat of government of the State at the time prescribed by the laws of the United States. If any elector fails to appear before 9:00 a.m. on the appointed day, those electors present fill the vacancy. If the candidates of the party which nominated the electors are alive, they shall cast their ballots for them. If either the presidential candidate or both the presidential and vice presidential candidates are dead, they may vote as they see fit. If the presidential candidate is alive and the vice presidential candidate is dead, the electors shall vote for the presidential candidate of their party but may cast their ballot for Vice President as they see fit (§§ 2-15-101 to 2-15-105).

TEXAS

Presidential Electors: 29

A. NOMINATION

(1) *Major parties*

To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for President (Vernon's Texas Codes Annotated (Election Code), § 192.003).

A political party is entitled to have the names of its nominees for President and Vice President of the United States placed on the ballot in a presidential general election if:

(1) the nominees possess the qualifications for those offices prescribed by Federal law;

(2) before 5 p.m. of the 60th day before presidential election day, the party's State chairman signs and delivers to the Secretary of State a written certification of:

(A) the names of the party's nominee for President and Vice President; and

(B) the names and residence addresses of presidential elector candidate nominated by the party, in a number equal to the number of presidential electors that Federal law allocates to this State; and

(3) the party is:

(A) required or authorized by Subchapter A of Chapter 172 to make its nominations by primary election; or

(B) entitled to have the names of its nominees placed on the general election ballot under Chapter 181 (parties nominating by convention) (§ 192.031).

(2) *Independent candidates*

To be entitled to a place on the general election ballot, an independent candidate for President of the United States must make an application for a place on the ballot. An application must:

(1) comply with Section 141.031, except that: (A) the application is not required to include a candidate's occupation or length of residence; and (B) the application must contain the applicable information required by Section 141.031(4) with respect to both the presidential candidate and the running mate;

(2) state the names and residence addresses of presidential elector candidate in a number equal to the number of presidential electors that Federal law allocates to the State; and

(3) be accompanied by:

(A) a petition that satisfies the requirements prescribed by Section 141.062; and

(B) written statements signed by the vice presidential candidate and each of the presidential elector candidates indicating that each of them consents to be a candidate. The application must be filed with the Secretary of State not later than the second Monday in May of the presidential election year (§ 192.032).

B. NAMES ON GENERAL ELECTION BALLOTS

The Secretary of State shall certify in writing for placement on the general election ballot the names of the candidates for President and Vice President who are entitled to have their names placed on the ballot. Not later than the 55th day before presidential election day, the Secretary of State shall deliver the certification to the authority responsible for having the official ballot prepared in each county (§ 192.033). The names of a presidential candidate and the candidate's running mate shall be placed on the ballot as one race. The names of presidential elector candidates may not be placed on the ballot § 192.034). A vote for a presidential candidate and the candidate's running mate shall be counted as a vote for the corresponding presidential elector candidates (§ 192.035). The set of elector candidates that is elected is the one that corresponds to the candidates for President and Vice President receiving the most votes (§ 192.055).

C. STATUTORY INSTRUCTIONS

The electors shall convene at the State Capitol at 2 p.m. on the first Monday after the second Wednesday in December following their election and shall perform their duties as prescribed by Federal law. The Secretary of State shall arrange for the meeting place, notify the electors, and call the meeting to order. The Secretary shall act as temporary chairman of the meeting until the electors elect a chairman from among themselves. If an elector is absent at the time for convening the meeting, the electors may declare the elector position vacant by a majority vote of those present at the meeting (§ 192.006).

UTAH

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

Candidates for presidential electors are nominated by each party at State primary conventions held during the month of June of even-numbered years (Utah Code Annotated, § 20–4–3).

(2) *Minor and new parties*

Any organization of registered voters whose organization did not participate in the last preceding November election or whose organization polled for any of its candidates in the preceding November election a total vote equivalent to less than two percent of the total vote cast for all representatives in Congress, which under a common name or designation, shall file with the Lieutenant Governor a petition signed by five hundred registered voters. The petition shall declare that signers are or desire to become members of the party or group, the name of which shall be stated, and that they desire to participate in a county organizing convention. The petition shall be filed with the Lieutenant Governor on or before March 15th of the year in which an election is to be held. The Lieutenant Governor shall determine whether or not the required number of registered voters appears on the petition and shall certify his findings to the filing officer of the group within 30 days of the filing of the petition (§ 20–3–2, Supp.).

County organizing conventions shall be held in participating counties on or before April 1st of the year in which an election is to be held. Due notice of the time and place of the convention shall be given to each petitioner residing in the county, and the petitioners shall be delegates to the convention. Delegates shall elect a county central committee, a chairman and vice chairman of opposite sex, and a secretary. Delegates to the State convention shall also be elected (§ 20–3–2, Supp.).

A State organizing convention shall be held on or before April 15th of the year in which an election is to be held. Delegates to this convention shall elect a State central committee, a chairman and vice chairman of opposite sex, and a secretary. The number of members of the central committee to which a county shall be entitled shall be in proportion to the number of petitioners residing in such county, but there shall be at least two members, a man and a woman, from each county in the State (§ 20–3–2, Supp.).

On or before April 15th of the year in which an election is to be held, the State committee of the new party shall file with the Lieutenant Governor the names of the State and county chairman, vice chairmen and secretaries, together with a certificate indicating compliance. If no national party convention is held, the names of the candidates for the office of President and Vice President of the United States shall be those designated by the State central committee of the new party (§ 20-3-2).

(3) *Independent candidates*

Independent candidates for the offices of President and Vice President shall file a declaration of candidacy with the Lieutenant Governor not later than September 1 in the general election year (§§ 20-3-8(5), 20-4-9.5, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President shall be used on the ballot in lieu of the names of the presidential electors and a vote for President and Vice President of any political party shall be construed as vote for the presidential electors selected by such political party at its party convention (§ 20-7-5, Supp.).

C. STATUTORY INSTRUCTIONS

The electors are required to meet in the office of the Secretary of State at the State capitol at 12:00 o'clock noon of the first business day next preceding the day upon which they are required by law to meet and vote for President and Vice President. At this first meeting the electors fill any vacancy in their number. The electors meet again the next day at the office of the Secretary of State. This latter date is fixed by Congress (62 Stat. 672, 3 U.S.C. § 7) as the first Monday after the second Wednesday in December next following their appointment. Utah law requires electors to meet at noon on the day fixed by Congress. Such electors at this meeting shall proceed to the performance of their duties in conformity with the Constitution and laws of the United States (§§ 20-9-2, 20-9-3).

VERMONT

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

In presidential election years, presidential electors for major political parties shall be nominated at the party platform convention (Vermont Statutes Annotated, title 17, § 2721). Electors for all other presidential candidates shall be nominated in the manner independent candidates are nominated (*ibid.*).

After adjournment of the platform convention of a major political party, the chairman and secretary of the convention shall promptly execute a sworn statement certifying the names, towns of residence, and correct mailing addresses of the persons nominated by the convention to serve as electors, and shall promptly file the statement of nomination with the Secretary of State, along with the written consent of each person to be a nominee for elector (title 17, § 2722).

(2) *Minor parties and new parties*

Presidential electors for candidates of minor parties and new political parties shall be nominated in the manner independent candidates are nominated (title 17, § 2721).

(3) *Independent candidates*

Candidates for presidential electors may be nominated by filing a consent form and a statement of nomination with the Secretary of State not later than 5 p.m. on the forty-seventh day before the day of the general election (title 17, §§ 2386, 2401). The statement of nomination shall contain: (1) name, (2) residence, and (3) address of each nominee for the office of elector (title 17, § 2402). The statement of nomination shall contain 1,000 signatures of qualified voters (title 17, § 2402). For presidential and vice presidential candidates, the statement of nomination shall contain the names of more than one candidate who may be nominated by means of the same certificate of nominations (title 17, § 2403).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President appear on the ballot. The names of the electors do not. A vote for the candidates for President and Vice President are votes for the electors. Should a write-in candidate for President receive the greatest number of votes, that candidate may name the electors after being notified by the Secretary of State. Candidates are arranged on the ballot alphabetically according to the surnames of the presidential candidate (title 17, § 2473).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the state house on the first Monday after the second Wednesday in December next following their election, to vote for President and Vice President of the United States, agreeably to the laws of the United States. If there is a vacancy in the Electoral College on that day, occasioned by death, refusal to act, neglect to attend, failure of a person elected to qualify, or for other cause, the other electors present shall at once fill such vacancy viva voce and by a plurality of votes. When all the electors appear or a vacancy therein is filled, the electors shall perform the duties required of them by the Constitution and laws of the United States. If a vacancy occurs and is filled as aforesaid, the electors shall attach to the certificate of their votes a statement showing how such a vacancy occured and their action thereon. The electors must vote for the candidates for President and Vice President who received the greatest number of votes at the general election (title 17, § 2732).

VIRGINIA

Presidential Electors: 12

A. NOMINATION

(1) *Major parties*

Political party is defined as an organization or affiliation of citizens of the Commonwealth which, at the last preceding statewide general election, polled at least ten percent of the total vote cast for the office filled in that election by the voters of the Commonwealth at large. Such organization or affiliation of citizens shall also have a State central committee and a duly elected chairman which have continually been in existence and holding office for the six months preceding the filing of a nominee (Code of Virginia, § 24.1-1).

In elections for President and Vice President of the United States, the names of electors selected by the different political parties at their respective conventions held for that purpose, together with the name of the political party and the names of the candidates for President and Vice President for whom they are expected to vote in the Electoral College, shall be furnished to the State board of elections at least by noon of the sixtieth day before any election for the electors of President and Vice President by the chairman or secretary of said party (§ 24.1-158).

(2) *Minor and new parties*

Any group of qualified voters of not less than the number equal to one-half of one percent of the qualified voters in the Commonwealth as of the first day of January of that year and including at least 200 qualified voters from each congressional district, not constituting a political party may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition so requesting with the State board of elections not later than noon of the sixtieth day before said election. Said petition, which shall be signed by said voters, contain their residence addresses, the signatures to which shall be witnessed by a qualified voter whose affidavit to that effect is attached to said petition, shall set forth the names of the electors selected by such voters, the party name under which they desire the electors so selected to be listed on the ballot, and the names of the candidates for President and Vice President for whom such electors are expected to vote in the Electoral College. In order to utilize a selected party name on the ballot, such group shall have had a State central committee and a duly designated chairman in existence and holding office for at least six months prior to filing the petition. Such party name shall not be identical with or substantially similar to the name of any political party presently qualified and then in existence.

In the event that a group of qualified voters meets the requirements set forth herein except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified as "Independent" (§ 24.1-159).

(3) *Independent candidates*

Independent candidates nominate electors in the same manner as minor and new parties. (See generally section 24.1-159 of the Code of Virginia.)

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for presidential electors from the political parties and from groups of petitioners are printed on the general election ballot along with the names of the party or petitioners' candidates for President and Vice President (§ 24.1-160). Voters shall mark the square on the ballot preceding the name of the political party or party name of his choice and the ballots so marked shall be counted as if squares preceding the names of the individual electors nominated or selected by such political parties or the groups or petitioners had been so marked (§ 24.1-161).

C. STATUTORY INSTRUCTIONS

The electors selected by the State conventions by any political party shall be expected to vote in the Electoral College for the nominees of any national convention to which the said convention elects delegates.

The electors named in any petition of qualified voters shall be expected to vote in the electoral college for President and for Vice President for such reasons as may be named in the said petition (§ 24.1-162).

WASHINGTON

Presidential Electors: 10

A. NOMINATION

(1) *Major parties*

Each political party shall have the power to provide for the method of nomination of presidential electors (Washington Revised Code Annotated, § 29.42.010), except by primary (§ 29.18.010). Such candidates are nominated at the State conventions of the respective parties.

(2) *Minor party, new party, and independent candidates*

A minor political party is defined as a political organization, not one of whose candidates for statewide office received at least 5 percent of the total vote cast in the last statewide general election (§§ 29.01.100, 29.01.090). Candidates of a minor party, new party or independent may secure a place on the ballot by being nominated at a convention of supporters (§§ 29.24.010; 29.24.020). To be valid, a convention must have been called by a notice published in a newspaper of general circulation published in the county where the convention is to be held at least 10 days before the date of the convention stating the date, hour, and place of the meeting, and it must be attended by a number of registered voters equal to one for each 10,000 votes cast in the last presidential election (§ 29.24.030). A certificate of nomination must be filed with the Secretary of State not later than, the last day for filing declarations of candidacy. The certificate must be in writing; contain the name, address, and office sought by each nominee; a sworn statement of consent to the nomination; be verified under oath by the presiding officer and secretary; be signed by a number of members of the convention at least equal to the number required to validate a convention and give their addresses; and contain proof of the notice of the convention call (§ 29.24.040).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of the candidates for President and Vice President of the political parties and not the names of the electors are printed on the ballot. The votes cast for candidates for President and Vice President of each political party shall be counted for the candidates for presidential electors of such political party (§ 29.71.020).

C. STATUTORY INSTRUCTIONS

Electors are to meet at noon on the day fixed by Federal statute at the seat of government and fill any vacancy by plurality of voice votes and perform the duties required of them by the Constitution and laws of the United States (§ 29.71.040). Each political party is to require a pledge from those nominated for presidential elector that they will vote for the nominees of the party. Failure to vote for the nominees of the party subjects an elector to a $1,000 fine (§§ 29.71.020, 29.71.040).

WEST VIRGINIA

Presidential Electors: 6

A. NOMINATION

(1) *Major parties*

Candidates for presidential electors are nominated at State conventions of the respective political parties which are to be held during the months of June, July or August next preceding the general election at which presidential electors are to be elected (West Virginia Code, § 3-5-21). Nominations so made shall be certified to the Secretary of State by the chairman and secretary of the convention within 15 days after the close of the convention (§ 3-5-21).

The date and place of such conventions shall be designated by the State executive committee of the respective parties. Such committees shall also prescribe the number of delegates thereto, and shall apportion the delegates among the several counties of the State in proportion to the vote cast in the State for the party's candidate for Governor at the last preceding general election at which a Governor was elected (§ 3-5-21).

At least 60 days prior to the date fixed for a party's State convention, the chairman of the party's State executive committee shall send to the party's county executive committee in each county a copy of the resolutions fixing the time and place of holding the State convention and prescribing the number of delegates from each county to the convention (§ 3-5-21).

Within 10 days after receipt of the copy of such resolutions, the party executive committee of each county shall meet and, by resolution, shall apportion the delegates to the State convention among the several magisterial districts of the county, on a basis of the vote received in the county by the candidate for Governor at the last preceding general election at which a Governor was elected, but in such apportionment of county delegates, each magisterial district shall be entitled to at least one delegate to such State convention. The party's county executive committee shall call a meeting of the members of the political party in mass convention in the several magisterial districts of the county, which district meetings shall be held at least 30 days prior to the date fixed for the State convention, and at which meeting the members of the political party in each magisterial district shall elect the number of delegates to which such district is entitled in the State convention (§ 3-5-21). The delegates chosen and certified by and from the several magisterial districts in the State shall make up the State convention (§ 3-5-21).

(2) *Minor parties*

Any political party which polled less than ten percent of the total vote cast only for Governor at the general election immediately preceding may nominate candidates and select committees by party conventions, provided such nominations are made and the certificates thereof filed within the required time and in the required manner or by certificate in the same manner as groups of citizens may make nominations (§ 3-5-22). No delegate or person participating in the selection of delegates shall vote in any primary election held in that year.

(3) *Independent candidates*

Groups of citizens having no party organization may nominate candidates for public office otherwise than by conventions or primary elections. In such case, the candidate, jointly or severally, shall file a declaration with the Secretary of State if the office is to be filled by the voters of more than one county, or with the clerk of the circuit court of the county if the office is to be filled by the voters of one county or political subdivision thereof; such declaration to be filed at least thirty days prior to the required time of filing the nomination certificate: provided, that the deadline for filing the certificate for persons seeking ballot access as a candidate for the office of President or Vice President shall be filed not later than the first day of August preceding the general election. At the time of filing of such declaration each candidate shall pay the filing fee required by law, and if such declaration is not so filed or the filing fee so paid, the certificate shall not be received by the Secretary of State, or clerk of the circuit court, as the case may be (§ 3-5-23). A certificate of nomination, bearing signatures equal to not less than one percent of the entire vote cast at the last preceding general election in the State for the office sought, but in no event shall the number be less than 25, must be filed with the Secretary of State not later than one day before the primary (§§ 3-5-23, 3-5-24).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for offices of presidential electors are omitted from the ballot. Names of candidates for offices of President and Vice President are printed on the ballots (§ 3-6-2).

In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the Secretary of State. In place of their names, there shall be printed first on the ballots the names of the candidates for President and Vice President, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for President and Vice President of each party, or group, a single square shall be printed in front of a brace, in which the voter shall place the cross mark for the candidate of his choice for such offices. A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with Secretary of State (§ 3-6-2).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the office of the Governor at the capitol on the day appointed by the Congress of the United States and vote for the President and Vice President in the manner prescribed by the Constitution and laws of the United States (§ 3-1-14).

WISCONSIN

Presidential Electors: 11

A. NOMINATION

(1) *Major parties, minor parties*

Candidates for presidential electors are nominated at State conventions of the respective political parties held on the first Tuesday in October, i.e., October 4, 1988. One presidential elector shall be nominated by a party from each congressional district and two electors shall be nominated from the State at large. The names of the nominees shall be certified immediately by the chairman of the State committee of each party to the chairman of the elections board (Wisconsin Statutes Annotated, § 8.18). The party convention is composed of the party candidates for the State senate and assembly, nominated in the September primary, the holdover State senators and State officers of each party (§ 8.18).

(2) *Independent and write-in candidates*

Nominations for presidential electors may be made by filing nomination papers with the election board not later than 5 p.m. on the second Tuesday in July (§ 8.20). Such papers shall list one presidential elector from each congressional district and 2 electors from the State at large, and the candidates for President and Vice President for whom they intend to vote if elected. They shall contain signatures of not less than 2,000 nor more than 4,000 qualified voters, plus the party or principle the candidates represent, if any, in 5 words or less. Papers shall not be circulated earlier than June 1 and filed not later than 5 p.m. on the second Tuesday in July (§ 8.20(3)-(8)).

Candidates for the offices of President or Vice President of the United States as write-in candidates shall file a list of presidential electors and a declaration that they will qualify for the office, if elected, with the election board no later than 4:30 p.m. on the second Tuesday preceding the day of the general election to choose the President and Vice President of the United States. The list shall contain one presidential elector from each congressional district and two electors from the State at large and the names of the candidates for President and Vice President for whom they intend to vote, if elected. Compliance with this subsection may be waived by the election board but only if the results of the general election indicate that the write-in candidate for the office of President is eligible to receive the electoral votes of this State except for noncompliance with this subsection. In such event, the write-in candidate and that person's named presidential electors shall have until 4:30 p.m. on the Friday following the general election to comply with the filing requirements of this subsection (§ 8.185). If more than one list of presidential electors is filed with the Secretary of State by any write-in candidates for the offices of President and Vice President of the United States, the first list filed shall be considered the valid list, provided that this list meets the additional requirements of this section (§ 8.185).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of the candidates for the office of President and Vice President and not the names of the electors are placed on the ballot. The vote counts as a vote for the electors (§§ 5.10, 8.25).

C. STATUTORY INSTRUCTIONS

The electors for President and Vice President shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December. If there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy. When all electors are present, or the vacancies filled, they shall perform their required duties under the constitution and laws of the United States. The presidential electors, when convened, shall vote by ballot for that person for president and that person for vice president who are, respectively, the candidates of the political party which nominated them, the candidates whose names appeared on the nomination papers, or the candidate or candidates who filed their names, except that at least one of the persons for whom the electors vote may not be an inhabitant of this State. A presidential elector is not required to vote for a candidate who is deceased at the time of the meeting (§ 7.75).

WYOMING

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

Electors are nominated by the State convention of a political party nominating candidates for President and Vice President of the United States. Certificates of nomination should be filed within 30 days after the termination of the convention (Wyoming Statutes Annotated, §§ 22-19-102, 22-4-118). Party conventions are to be held on the first Saturday in May in even numbered years (§ 22-4-115, Supp.).

(2) *Minor parties*

A party which fails to receive at least 10 percent of the vote for Representative in Congress is not considered a political party (§ 22-1-102(g)). Political groups can nominate candidates by petition in the same manner as independents but may not use the words "democratic" or "republican" or any derivation thereof as part of their name (§ 22-5-303).

(3) *Independent candidates*

Independent candidates may be nominated by petition (§ 22-5-301). Such petitions should be signed by a number of electors equal to 5 percent of the vote cast in the last general election for Representative in Congress (§ 22-5-304). The petitions should be filed with the Secretary of State not less than 70 days prior to the general election (§ 22-5-307, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors need not appear on the ballot. The names of candidates for President and Vice President are paired with a single voting block for each pair (§ 22-6-120).

C. STATUTORY INSTRUCTIONS

Electors are to meet at 12:00 noon on the Monday following the second Wednesday in December of presidential election years, and all electors shall vote for the candidates for the office (of President and Vice President of the United States) receiving the highest number of votes in the Wyoming general election (§§ 22-19-106; 22-19-108).

CANAL ZONE, GUAM, PUERTO RICO, VIRGIN ISLANDS

Presidential Electors: 0

The Commonwealth of Puerto Rico, Guam, the Canal Zone, and the Virgin Islands do not participate in the actual election of the President and Vice President. Only the fifty States and the District of Columbia are entitled by the United States Constitution to choose the presidental electors who in turn cast votes for President and Vice President.

PART V. TABLES RELATING TO VARIOUS ASPECTS OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT

TABLE 1.—Presidents and Vice Presidents of the

President and political party	Born	Died	Age at inauguration	Native of—	Elected from—	Religion	Major opponen
George Washington (F)	1732	1799	57	Va.	Va.	Episcopalian	John Adams
Do			61				John Adams (F)
John Adams (F)	1735	1826	61	Mass.	Mass.	Unitarian	Jefferson (D-R)
Thomas Jefferson (D-R)	1743	1826	57	Va.	Va.	Liberal	Burr (D-R)
Do			61				Pinckney (F)
James Madison (D-R)	1751	1836	57	Va.	Va.	Episcopalian	Pinckney (F)
Do			61				Clinton (F)
James Monroe (D-R)	1758	1831	58	Va.	Va.	Episcopalian	King (F)
Do			62				John Q. Adams (N-
John Q. Adams (C)	1767	1848	57	Mass.	Mass.	Unitarian	Jackson (D-R)
Andrew Jackson (D)	1767	1845	61	N.C.	Tenn.	Presbyterian	John Q. Adams (N-
Do			65				Clay (N-R)
Martin Van Buren (D)	1782	1862	54	N.Y.	N.Y.	Ref. Dutch	W. H. Harrison (W
W H. Harrison (W)	1773	1841	68	Va.	Ohio	Episcopalian	Van Buren (D)
John Tyler (W)	1790	1862	51	do	Va.	do	(4)
James K. Polk (D)	1795	1849	49	Tenn.	Tenn.	Presbyterian	Clay (W)
Zachary Taylor (W)	1784	1850	64	Va.	La.	Episcopalian	Cass (D)
Millard Filmore (W)	1800	1874	50	N.Y.	N.Y.	do	(5)
Franklin Pierce (D)	1804	1869	48	N.H.	N.H.	do	Scott (W)
James Buchanan (D)	1791	1868	65	Pa.	Pa.	Presbyterian	Fremont (R)
Abraham Lincoln (R)	1809	1865	52	Ky.	Ill.	Liberal	Breckenridge (D)
Do			56				McClellan (D)
Andrew Johnson (R)	1808	1875	56	N.C.	Tenn.	Liberal	(6)
Ulysses S. Grant (R)	1822	1885	46	Ohio	Ill.	Methodist	Seymour (D)
Do			50				Greeley (D-LR)
Rutherford B. Hayes (R)	1822	1893	54	Ohio	Ohio	Methodist	Tilden (D)
James A. Garfield (R)	1831	1881	49	do	do	Disc. of Christ	Hancock (D)
Chester A. Arthur (R)	1830	1886	50	Vt.	N.Y.	Episcopalian	(9)
Grover Cleveland (D)	1837	1908	47	N.J.	N.Y.	Presbyterian	Blaine (R)
Benjamin Harrison (R)	1833	1901	55	Ohio	Ind.	do	Cleveland (D)
Grover Cleveland (D)	1837	1908	55	N.J.	N.Y.	do	Benjamin Harrison
William McKinley (R)	1843	1901	54	Ohio	Ohio	Methodist	Bryan (D-P)
Do			58				do
Theodore Roosevelt (R)	1858	1919	42	N.Y.	N.Y.	Ref. Dutch	(10)
Do			46				Parker (D)
William H. Taft (R)	1857	1930	51	Ohio	Ohio	Unitarian	Bryan (D)
Woodrow Wilson (D)	1856	1924	56	Va.	N.J.	Presbyterian	T. Roosevelt (R)
Do			60				Hughes (R)
Warren G. Harding (R)	1865	1923	55	Ohio	Ohio	Presbyterian	Cox (D)
Calvin Coolidge (R)	1872	1933	51	Vt.	Mass.	Congregational	(11)
Do			52				Davis (D)
Herbert Hoover (R)	1874	1964	54	Iowa	Calif.	Quaker	Smith (D)
Franklin D. Roosevelt (D)	1882	1945	51	N.Y.	N.Y.	Episcopalian	Hoover (R)
Do			55				Landon (R)
Do			59				Wilkie (R)
Do			63				Dewey (R)
Harry S. Truman (D)	1884	1972	60	Mo.	Mo.	Baptist	(12)
Do			64				Dewey (R)
Dwight D. Eisenhower (R)	1890	1969	62	Texas	N.Y.	Presbyterian	Stevenson (D)
Do			66		Pa.		do
John F. Kennedy (D)	1917	1963	43	Mass.	Mass.	Roman Catholic	Nixon (R)
Lyndon B. Johnson (D)	1908	1973	55	Texas	Texas	Christian	(13)
Do			56				Goldwater (R)
Richard M. Nixon (R)	1913		56	Calif.	N.Y.	Quaker	Humphrey (D)
Do			60				McGovern (D)
Do							
Gerald R. Ford (R)	1913		61	Nebr.	Mich.	Episcopalian	(16)
Jimmy Carter (D)	1924		52	Ga.	Ga.	Baptist	Ford (R)
Ronald Reagan (R)	1911		69	Calif.	Calif.	Christian	Jimmy Carter
Do			73				Walter F. Mondale

[1] Electoral votes for other candidates disregarded.

[2] There being no choice for President by the people, the election devolved upon the House of Representatives, and Feb. 17, 1801. Thomas Jefferson was chosen by the votes of 10 States, to 4 for Aaron Burr, and 2 blank.

[3] No choice for President having been made by the people, the election devolved upon the House of Representatives and John Quincy Adams was elected, receiving the votes of 13 States to 7 for Andrew Jackson and 3 for William H. Crawford.

[4] Harrison died in 1841; succeeded by Tyler.

[5] Taylor died in 1850; succeeded by Filmore.

[6] Lincoln was assassinated in 1856; succe

[7] By resolution of the House, 3 voted cas

[8] The electoral votes of 4 States were
Commission which gave the decision to Ha

[9] Garfield was assassinated in 1881; succ

[10] McKinley was assassinated in 1901; su

[11] Harding died in 1923; succeeded by Co

[12] F.D. Roosevelt died in 1945; succeeded

[13] Kennedy was assassinated Nov. 22, 19

79-231 0 - 88 (Face blank page 392)

nited States and the Congresses Coincident With Their Terms

Electoral vote [1]		Popular vote		Service	Vice President	Congress
Winner	Loser	Winner	Loser			
69	34			Apr. 30, 1789-Mar. 3, 1793	John Adams	1, 2
132	77			Mar. 4, 1793-Mar. 3, 1797	do	3, 4
71	68			Mar. 4, 1797-Mar. 3, 1801	Thomas Jefferson	5, 6
73	[2] 73			Mar. 4, 1801-Mar. 3, 1805	Aaron Burr	7, 8
162	14			Mar. 4, 1805-Mar. 3, 1809	George Clinton	9. 10
122	47			Mar. 4, 1809-Mar. 3, 1813	do	11, 12
128	89			Mar. 4, 1813-Mar. 3, 1817	Elbridge Gerry	13, 14
183	34			Mar. 4, 1817-Mar. 3, 1821	Daniel D. Tompkins	15, 16
231	1			Mar. 4, 1821-Mar. 3, 1825	do	17, 18
84	99 [3]	108,740	153,544	Mar. 4, 1825-Mar. 3, 1829	John C. Calhoun	19, 20
178	83	647,286	508,064	Mar. 4, 1829-Mar. 3, 1833	do	21, 22
219	49	687,502	530,189	Mar. 4, 1833-Mar. 3, 1837	Martin Van Buren	23, 24
170	73	762,678	735,651	Mar. 4, 1837-Mar. 3, 1841	Richard M. Johnson	25, 26
234	60	1,275,016	1,129,102	Mar. 4, 1841-Apr. 4, 1841	John Tyler	27
				Apr. 6, 1841-Mar. 3, 1845		27, 28
170	105	1,337,243	1,299,062	Mar. 4, 1845-Mar. 3, 1849	George M. Dallas	29, 30
163	127	1,360,099	1,220,544	Mar. 5, 1849-July 9, 1850	Millard Filmore	31
				July 10, 1850-Mar. 3, 1853		31, 32
254	42	1,601,274	1,386,580	Mar. 4, 1853-Mar. 3, 1857	William R. King	33, 34
174	114	1,838,169	1,341,264	Mar. 4, 1857-Mar. 3, 1861	John C. Breckenridge	35, 36
180	72	1,866,452	847,953	Mar. 4, 1861-Mar. 3, 1865	Hannibal Hamlin	37, 38
212	21	2,213,665	1,805,237	Mar. 4, 1865-Apr. 1865	Andrew Johnson	39
				Apr. 15, 1865-Mar. 3, 1869		39, 40
214	80	3,012,833	2,703,249	Mar. 4, 1869-Mar. 3, 1873	Schuyler Colfax	41, 42
286	(7)	3,597,132	2,834,125	Mar. 4, 1873-Mar. 3, 1877	Henry Wilson	43, 44
185	[8] 184	4,036,298	4,300,590	Mar. 4, 1877-Mar. 3, 1881	William A. Wheeler	45, 46
214	155	4,454,416	4,444,952	Mar. 4, 1881-Sept. 19, 1881	Chester A. Arthur	47
				Sept. 20, 1881-Mar. 3, 1885		47, 48
219	182	4,874,986	4,851,981	Mar. 4, 1885-Mar. 3, 1889	Thomas A. Hendricks	49, 50
233	168	5,439,853	5,540,309	Mar. 4, 1889-Mar. 3, 1893	Levi P. Morton	51, 52
277	145	5,556,918	5,176,108	Mar. 4, 1893-Mar. 3, 1897	Adlai E. Stevenson	53, 54
271	176	7,104,779	6,502,925	Mar. 4, 1897-Mar. 3, 1901	Garret A. Hobart	55, 56
292	155	7,207,923	6,358,133	Mar. 4, 1901-Sept. 14, 1901	Theodore Roosevelt	57
				Sept. 14, 1901-Mar. 3, 1905		57, 58
336	140	7,623,486	5,077,911	Mar. 4, 1905-Mar. 3, 1909	Charles W. Fairbanks	59,60
321	162	7,678,908	6,409,104	Mar. 4, 1909-Mar. 3, 1913	James S. Sherman	61, 62
435	88	6,293,454	3,484,980	Mar. 4, 1913-Mar. 3, 1917	Thomas R. Marshall	63, 64
277	254	9,129,606	8,538,221	Mar. 4, 1917-Mar. 3, 1921	do	65, 66
404	127	16,152,200	9,147,353	Mar. 4, 1921-Aug. 2, 1923	Calvin Coolidge	67
				Aug. 3, 1923-Mar. 3, 1925		68
382	136	15,725,016	8,386,503	Mar. 4, 1925-Mar. 3, 1929	Charles G. Dawes	69, 70
444	87	21,391,381	15,016,443	Mar. 4, 1929-Mar. 3, 1933	Charles Curtis	71, 72
472	59	22,821,857	15,761,841	Mar. 4, 1933-Jan. 20, 1937	John N. Garner	73, 74
523	8	27,751,597	16,679,583	Jan. 20, 1937-Jan. 20, 1941	do	75, 76
449	82	27,244,160	22,305,198	Jan. 20, 1941-Jan. 20, 1945	Henry A. Wallace	77, 78
432	99	25,602,504	22,006,285	Jan. 20, 1945-Apr. 12, 1945	Harry S. Truman	79
				Apr. 12, 1945-Jan. 20, 1949		79, 80
303	189	24,105,695	21,969,170	Jan. 20, 1949-Jan. 20, 1953	Alben W. Barkley	81, 82
442	89	33,778,963	27,314,992	Jan. 20, 1953-Jan. 20, 1957	Richard M. Nixon	83, 84
457	73	35,581,003	25,738,765	Jan. 20, 1957-Jan. 20, 1961	do	85, 86
303	219	34,227,096	34,107,646	Jan. 20, 1961-Nov. 22, 1963	Lyndon B. Johnson	87, 88
				Nov. 22, 1963-Jan. 20, 1965		88
486	52	42,825,463	27,146,969	Jan. 20, 1965-Jan. 20, 1969	Hubert H. Humphrey	89, 90
301	191	31,710,470	30,898,055	Jan. 20, 1969-Jan. 20, 1973	Spiro T. Agnew	91, 92
520	17	46,740,323	28,901,598	Jan. 20, 1973-Aug. 9, 1974	do [14]	93
					Gerald Ford [15]	93
				Aug. 9, 1974-Jan. 20, 1977	Nelson A. Rockefeller [17]	93
297	240	40,825,839	39,147,770	Jan. 20, 1977-Jan. 20, 1981	Walter F. Mondale	95, 96
489	49	43,901,812	35,483,820	Jan. 20, 1981	George Bush	97, 98
525	13	54,455,000	37,577,000	Jan. 20, 1985-Jan. 20, 1989	do	99,200

ed by Johnson.
or Horace Greeley were not counted.
sputed. Congress referred the matter to the Electoral
led by Arthur.
eeded by Theodore Roosevelt.
dge.
Truman.
succeeded by Lyndon B. Johnson.

[14] Resigned Oct. 10, 1973.
[15] Replaced Agnew, Dec. 6, 1973.
[16] Replaced Nixon who resigned on Aug. 9, 1974.
[17] Rockefeller was sworn in as Vice President on Dec. 1974.

Key to abbreviations (D) Democrat; (D-P) Democrat-Populist; (D-R) Democrat-Republican; (D-LR) Democrat-Liberal Republican; (F) Federalist; (N-R) National-Republican; (R) Republican; (W) Whig; (C) Coalition.

TABLE 2.—Electoral Vote Cast for President, by Major Political Parties—States: 1940 to 1984

[D=Democratic, R=Republican. For composition of regions, see fig. 1, inside front cover. See also *Historical Statistics, Colonial Times to 1970,* series Y 84-134]

REGION, DIVISION, AND STATE	1944	1948[1]	1952	1956[2]	1960[3]	1964	1968[4]	1972[5]	1976[6]	1980	1984
Democratic	**432**	**303**	**89**	**73**	**303**	**486**	**191**	**17**	**297**	**49**	**13**
Republican	**99**	**189**	**442**	**457**	**219**	**52**	**301**	**520**	**240**	**489**	**525**
Northeast:											
Democratic	130	20	-	-	121	126	102	14	86	4	-
Republican	8	118	133	133	12	-	24	108	36	118	113
Midwest:											
Democratic	73	101	-	13	71	149	31	-	58	10	10
Republican	82	54	153	140	82	-	118	145	87	135	127
South:											
Democratic	167	117	89	60	101	121	45	3	149	31	3
Republican	-	11	77	105	50	47	77	165	20	138	174
West:											
Democratic	62	65	-	-	10	90	13	-	4	4	-
Republican	9	6	79	79	75	5	82	102	97	98	111
New England:											
ME	R-5	R-5	R-5	R-5	R-5	D-4	D-4	R-4	R-4	R-4	R-4
NH	D-4	R-4	R-4	R-4	R-4	D-4	R-4	R-4	R-4	R-4	R-4
VT	R-3	R-3	R-3	R-3	R-3	D-3	R-3	R-3	R-3	R-3	R-3
MA	D-16	D-16	R-16	R-16	D-16	D-14	D-14	D-14	D-14	R-14	R-13
RI	D-4	D-4	R-4	R-4	D-4	D-4	D-4	R-4	D-4	D-4	R-4
CT	D-8	R-8	R-8	R-8	D-8	D-8	D-8	R-8	R-8	R-8	R-8
Middle Atlantic:											
NY	D-47	R-47	R-45	R-45	D-45	D-43	D-43	R-41	D-41	R-41	R-36
NJ	D-16	R-16	R-16	R-16	D-16	D-17	R-17	R-17	R-17	R-17	R-16
PA	D-35	R-35	R-32	R-32	R-32	R-29	D-29	R-27	D-27	R-27	R-25
East North Central:											
OH	R-25	D-25	R-25	R-25	R-25	D-26	R-26	R-25	D-25	R-25	R-23
IN	R-13	R-13	R-13	R-13	R-13	D-13	R-13	R-13	R-13	R-13	R-12
IL	D-28	D-28	R-27	R-27	D-27	D-26	R-26	R-26	R-26	R-26	R-24
MI	D-19	R-19	R-20	R-20	D-20	D-21	D-21	R-21	R-21	R-21	R-20
WI	R-12	D-12	R-12	R-12	R-12	D-12	R-12	R-11	D-11	R-11	R-11
West North Central:											
MN	D-11	D-11	R-11	R-11	D-11	D-10	D-10	R-10	D-10	D-10	D-10
IA	R-10	D-10	R-10	R-10	R-10	D-9	R-9	R-8	R-8	R-8	R-8
MO	D-15	D-15	R-13	D-13	D-13	D-12	R-12	R-12	D-12	R-12	R-11
ND	R-4	R-4	R-4	R-4	R-4	D-4	R-4	R-3	R-3	R-3	R-3
SD	R-4	R-4	R-4	R-4	R-4	D-4	R-4	R-4	R-4	R-4	R-3
NE	R-6	R-6	R-6	R-6	R-6	D-5	R-5	R-5	R-5	R-5	R-5
KS	R-8	R-8	R-8	R-8	R-8	D-7	R-7	R-7	R-7	R-7	R-7
South Atlantic:											
DE	D-3	R-3	R-3	R-3	D-3	D-3	R-3	R-3	D-3	R-3	R-3
MD	D-8	R-8	R-9	R-9	D-9	D-10	D-10	R-10	D-10	D-10	R-10
DC	(x)	(x)	(x)	(x)	(x)	D-3	D-3	D-3	D-3	D-3	D-3
VA	D-11	D-11	R-12	R-12	R-12	D-12	R-12	[5] R-11	R-12	R-12	R-12
WV	D-8	D-8	D-8	R-8	D-8	D-7	D-7	R-6	D-6	D-6	R-6
NC	D-14	D-14	D-14	D-14	D-14	D-13	[4] R-12	R-13	D-13	R-13	R-13
SC	D-8	(1)	D-8	D-8	D-8	R-8	R-8	R-8	D-8	R-8	R-8
GA	D-12	D-12	D-12	D-12	D-12	R-12	(4)	R-12	D-12	D-12	R-12
FL	D-8	D-8	R-10	R-10	R-10	D-14	R-14	R-17	D-17	R-17	R-21
East South Central:											
KY	D-11	D-11	D-10	R-10	R-10	D-9	R-9	R-9	D-9	R-9	R-9
TN	D-12	R-11	R-11	R-11	R-11	D-11	R-11	R-10	D-10	R-10	R-11
AL	D-11	(1)	D-11	[2] D-10	[3]D-5	R-10	(4)	R-9	D-9	R-9	R-9
MS	D-9	(1)	D-8	D-8	(3)	R-7	(4)	R-7	D-7	R-7	R-7
West South Central:											
AR	D-9	D-9	D-8	D-8	D-8	D-6	(4)	R-6	D-6	R-6	R-6
LA	D-10	(1)	D-10	R-10	D-10	R-10	(4)	R-10	D-10	R-10	R-10
OK	D-10	D-10	R-8	R-8	[3]R-7	D-8	R-8	R-8	R-8	R-8	R-8
TX	D-23	D-23	R-24	R-24	D-24	D-25	D-25	R-26	D-26	R-26	R-29
Mountain:											
MT	D-4	D-4	R-4	R-4	R-4	D-4	R-4	R-4	R-4	R-4	R-4
ID	D-4	D-4	R-4	R-4	R-4	D-4	R-4	R-4	R-4	R-4	R-4
WY	R-3	D-3	R-3	R-3	R-3	D-3	R-3	R-3	R-3	R-3	R-3
CO	R-6	D-6	R-6	R-6	R-6	D-6	R-6	R-7	R-7	R-7	R-8
NM	D-4	D-4	R-4	R-4	D-4	D-4	R-4	R-4	R-4	R-4	R-5
AZ	D-4	D-4	R-4	R-4	R-4	R-5	R-5	R-6	R-6	R-6	R-7
UT	D-4	D-4	R-4	R-4	R-4	D-4	R-4	R-4	R-4	R-4	R-5
NV	D-3	D-3	R-3	R-3	D-3	D-3	R-3	R-3	R-3	R-3	R-4
Pacific:											
WA	D-8	D-8	R-9	R-9	R-9	D-9	D-9	R-9	[6]R-8	R-9	R-10
OR	D-6	R-6	R-6	R-6	R-6	D-6	R-6	R-6	R-6	R-6	R-7
CA	D-25	D-25	R-32	R-32	R-32	D-40	R-40	R-45	R-45	R-45	R-47
AK	(x)	(x)	(x)	(x)	R-3	D-3	R-3	R-3	R-3	R-3	R-3
HI	(x)	(x)	(x)	(x)	D-3	D-4	D-4	R-4	D-4	D-4	R-4

-Represents zero. X Not applicable. [1] Excludes 39 electoral votes cast for States' Rights Democratic candidates as follows: AL 11; LA 10; MS 9; SC 8; and TN 1. [2] Excludes 1 electoral vote cast for Walter B. Jones in Alabama. [3] Excludes 15 electoral votes cast for Harry F. Byrd as follows: AL 6; MS 8; OK 1. [4] Excludes 46 electoral votes cast for George C. Wallace as follows: AL 10; AR 6; GA 12; LA 10; MS 7; NC 1. [5] Excludes 1 electoral vote cast for John Hospers in Virginia. [6] Excludes 1 electoral vote cast for Ronald Reagan in Washington.

Source: Statistical Abstract of the United States, 1987, U.S. Dept. of Commerce, Bureau of the Census, 1940-1972, U.S. Congress, Clerk of the House, *Statistics of the Presidential and Congressional Election,* thereafter, Elections Research Center, Washington, D.C., *America Votes,* biennial.

TABLE 3.—Popular Vote Cast for President, by Political Parties—Regions and States: 1972 to 1984

[In thousands, except percent. D = Democrat, R = Republican. Leading party vote refers to the party vote representing either a majority or a plurality for the victorious party in the area shown. For composition of regions, see fig. 1, inside front cover. See also *Historical Statistics, Colonial Times to 1970*, series Y 135-186]

Region Division, and State	1976				1980				1984			
	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party
U.S.	**81.556**	**40,831**	**39,148**	**D-50.1**	**86,515**	**35,484**	**43,904**	**R-50.7**	**92,653**	**37,577**	**54,455**	**R-58.8**
Region:												
North-east	19,520	9,929	9,272	D-50.9	19,206	8,019	9,147	R-47.6	20,483	9,046	11,336	R-55.3
Midwest	24,155	11,671	11,995	R-49.7	25,178	10,291	12,827	R-50.9	25,441	10,511	14,761	R-58.0
South	23,198	12,520	10,394	D-54.0	25,813	11,554	13,118	R-50.8	28,833	10,998	17,699	R-61.4
West	14,682	6,711	7,488	R-51.0	16,318	5,620	8,813	R-54.0	17,895	7,022	10,659	R-59.6
N. Eng	**5,351**	**2,766**	**2,454**	**D-51.7**	**5,467**	**2,206**	**2,446**	**R-44.7**	**5,614**	**2,437**	**3,153**	**R-56.2**
ME	483	232	236	R-48.9	523	221	239	R-45.6	553	215	337	R-60.8
NH	340	148	186	R-54.7	384	109	222	R-57.7	389	120	267	R-68.6
VT	188	81	102	R-54.4	213	82	95	R-44.4	235	96	136	R-57.9
MA	2,548	1,429	1,030	D-56.1	2,524	1,054	1,058	R-41.9	2,559	1,240	1,311	R-51.2
RI	411	228	181	D-55.4	416	198	155	D-47.7	410	197	212	R-51.7
CT	1,382	648	719	R-52.1	1,406	542	677	R-48.2	1,467	570	891	R-60.7
Mid. Atl	**14,169**	**7,164**	**6,817**	**D-50.6**	**13,739**	**5,813**	**6,703**	**R-48.8**	**14,870**	**6,609**	**8,183**	**R-55.9**
NY	6,534	3,390	3,101	D-51.9	6,202	2,728	2,894	R-46.7	6,807	3,120	3,665	R-53.8
NJ	3,014	1,445	1,510	R-50.1	2,976	1,147	1,547	R-52.0	3,218	1,261	1,934	R-60.1
PA	4,621	2,329	2,206	D-50.4	4,562	1,938	2,262	R-49.6	4,845	2,228	2,584	R-53.3
E. No. Cent	**16,809**	**8,035**	**8,448**	**R-50.3**	**17,458**	**7,221**	**8,825**	**R-50.5**	**17,613**	**7,279**	**10,213**	**R-58.0**
OH	4,112	2,012	2,001	D-48.9	4,284	1,752	2,207	R-51.5	4,548	1,825	2,679	R-58.9
IN	2,220	1,015	1,184	R-53.3	2,242	844	1,256	R-56.0	2,233	841	1,377	R-61.7
IL	4,719	2,271	2,364	R-50.1	4,750	1,981	2,358	R-49.6	4,819	2,086	2,707	R-56.2
MI	3,654	1,697	1,894	R-51.8	3,910	1,662	1,915	R-49.0	3,802	1,530	2,252	R-59.2
WI	2,104	1,040	1,005	D-49.4	2,273	982	1,089	R-47.9	2,212	996	1,199	R-54.2
W. No. Cent	**7,346**	**3,635**	**3,547**	**D-49.5**	**7,719**	**3,070**	**4,002**	**R-51.8**	**7,828**	**3,232**	**4,548**	**R-58.1**
MN	1,950	1,070	819	D-54.9	2,052	954	873	D-46.5	2,084	1,036	1,033	D-49.7
IA	1,279	620	633	R-49.5	1,318	509	676	R-51.3	1,320	606	703	R-53.3
MO	1,954	998	927	D-51.1	2,100	931	1,074	R-51.2	2,123	849	1,274	R-60.0
ND	297	136	153	R-51.6	302	79	194	R-64.2	309	104	200	R-64.8
SD	301	147	152	R-50.4	328	104	198	R-60.5	318	116	200	R-63.0
NE	608	234	360	R-59.2	641	167	420	R-65.5	652	188	460	R-70.6
KS	958	430	503	R-52.5	980	326	567	R-57.9	1,022	333	677	R-66.3
So. Atl	**11,392**	**6,264**	**5,005**	**D-55.0**	**12,589**	**5,698**	**6,198**	**R-49.2**	**14,124**	**5,519**	**8,565**	**R-60.6**
DE	236	123	110	D-52.0	236	106	111	R-47.2	255	102	152	R-59.8
MD	1,440	760	673	D-52.8	1,540	726	681	D-47.1	1,676	788	880	R-52.5
DC	169	138	28	D-81.6	175	131	24	D-74.8	211	180	29	D-85.4
VA	1,697	814	837	R-49.3	1,866	752	990	R-53.0	2,147	796	1,337	R-62.3
WV	751	436	315	D-58.0	738	367	334	D-49.8	736	328	405	R-55.1
NC	1,679	927	742	D-55.2	1,856	876	915	R-49.3	2,175	824	1,346	R-61.9
SC	803	451	346	D-56.2	894	430	442	R-49.4	969	344	616	R-63.6
GA	1,467	979	484	D-66.7	1,597	891	654	D-55.8	1,776	707	1,069	R-60.2
FL	3,151	1,636	1,470	D-51.9	3,687	1,419	2,047	R-55.5	4,180	1,449	2,730	R-65.3
E. So. Cent	**4,596**	**2,482**	**2,037**	**D-54.0**	**5,147**	**2,465**	**2,518**	**R-48.9**	**5,464**	**2,155**	**3,267**	**R-59.8**
KY	1,167	616	532	D-52.8	1,295	616	635	R-49.1	1,369	540	822	R-60.0
TN	1,476	826	634	D-55.9	1,618	783	788	R-48.7	1,712	712	990	R-57.8
AL	1,183	659	504	D-55.7	1,342	637	654	R-48.8	1,442	552	873	R-60.5
MS	769	381	367	D-49.6	893	429	441	R-49.4	941	352	582	R-61.9
W. So. Cent	**7,210**	**3,774**	**3,354**	**D-52.4**	**8,078**	**3,389**	**4,403**	**R-54.5**	**9,244**	**3,325**	**5,867**	**R-63.5**
AR	768	499	268	D-65.0	838	398	403	R-48.1	884	339	535	R-60.5
LA	1,278	661	587	D-51.7	1,549	708	793	R-51.2	1,707	652	1,037	R-60.8
OK	1,092	532	546	R-50.0	1,150	402	696	R-60.5	1,256	385	862	R-68.6
TX	4,072	2,082	1,953	D-51.1	4,542	1,881	2,511	R-55.3	5,398	1,949	3,433	R-63.6
Mt	**3,815**	**1,569**	**2,124**	**R-55.7**	**4,346**	**1,251**	**2,637**	**R-60.7**	**4,736**	**1,546**	**3,131**	**R-66.1**
MT	329	149	174	R-52.8	364	118	207	R-56.8	384	147	232	R-60.5
ID	344	127	204	R-59.3	437	110	291	R-66.5	411	109	298	R-72.4
WY	156	62	93	R-59.3	177	49	111	R-62.6	189	53	133	R-70.5
CO	1,082	460	584	R-54.0	1,184	368	652	R-55.1	1,295	455	822	R-63.4
NM	418	201	211	R-50.5	457	168	251	R-54.9	514	202	307	R-59.7
AZ	743	296	419	R-56.4	874	247	530	R-60.6	1,026	334	681	R-66.4
UT	541	182	338	R-62.4	604	124	440	R-72.8	630	155	469	R-74.5
NV	202	92	101	R-50.2	248	67	155	R-62.5	287	92	189	R-65.8

TABLE 3.—Popular Vote Cast for President, by Political Parties—Regions and States: 1972 to 1984—Continued

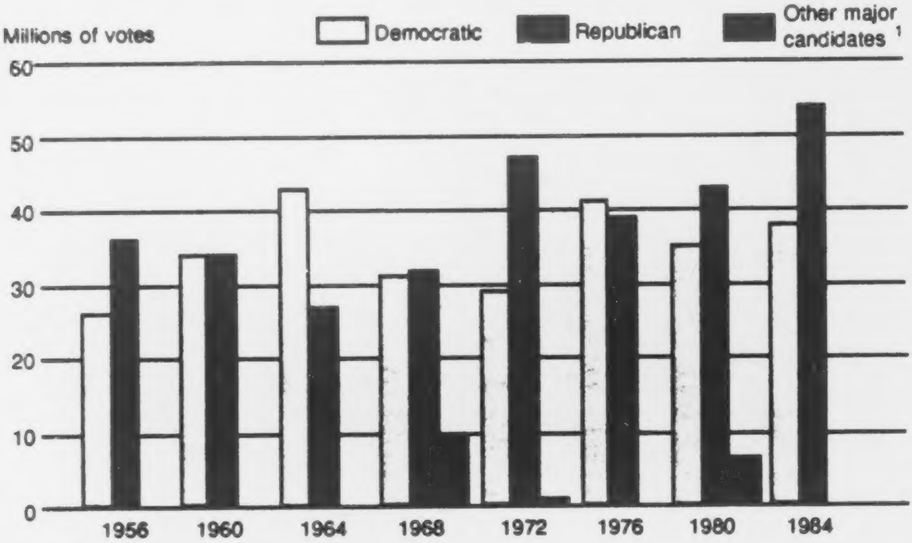
[In thousands, except percent. D = Democrat, R = Republican. Leading party vote refers to the party vote representing either a majority or a plurality for the victorious party in the area shown. For composition of regions, see fig. 1, inside front cover. See also *Historical Statistics, Colonial Times to 1970*, series Y 135–186]

Region Division, and State	1976				1980				1984			
	Total [1]	Demo-cratic Party	Repub-lican Party	Percent for leading party	Total [1]	Demo-cratic Party	Repub-lican Party	Percent for leading party	Total [1]	Demo-cratic Party	Repub-lican Party	Percent for leading party
Pac	**10,867**	**5,140**	**5,364**	**R-49.4**	**11,973**	**4,369**	**6,177**	**R-51.6**	**13,159**	**5,476**	**7,528**	**R-57.2**
WA	1,556	717	778	R-50.0	1,742	650	865	R-49.7	1,884	807	1,052	R-55.8
OR	1,030	490	492	R-47.8	1,182	457	571	R-48.3	1,227	536	686	R-55.9
CA	7,867	3,742	3,882	R-49.3	8,587	3,084	4,525	R-52.7	9,505	3,923	5,467	R-57.5
AK	124	44	72	R-57.9	158	42	86	R-54.3	208	62	138	R-66.7
HI	291	147	140	D-50.6	303	136	130	D-44.8	336	147	185	R-55.1

[1] Includes other parties.

SOURCE: Statistical Abstract of the United States, 1987, U.S. Dept. of Commerce, Bureau of the Census, 1972, U.S. Congress, Clerk of the House, *Statistics of the Presidential and Congressional Election of Nov. 7, 1972* (in some cases, figures have been revised by Elections Research Center, Washington, D.C.); thereafter, Elections Research Center, Washington, D.C., *America Votes*, biennial (copyright).

TABLE 4.—Popular Vote Cast for President, by Major Party: 1956 to 1984



[1] 1968 and 1972 – American Independent; 1980 – John Anderson

Source: Chart prepared by U.S. Bureau of the Census.

○